

PUBLISHED BY THE GENERAL BUILDING CONTRACTORS ASSOCIATION

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TODAY

Philadelphia's Delaware River Waterfront gets a long-awaited makeover

Tom Corcoran, President
Delaware River Waterfront Corporation



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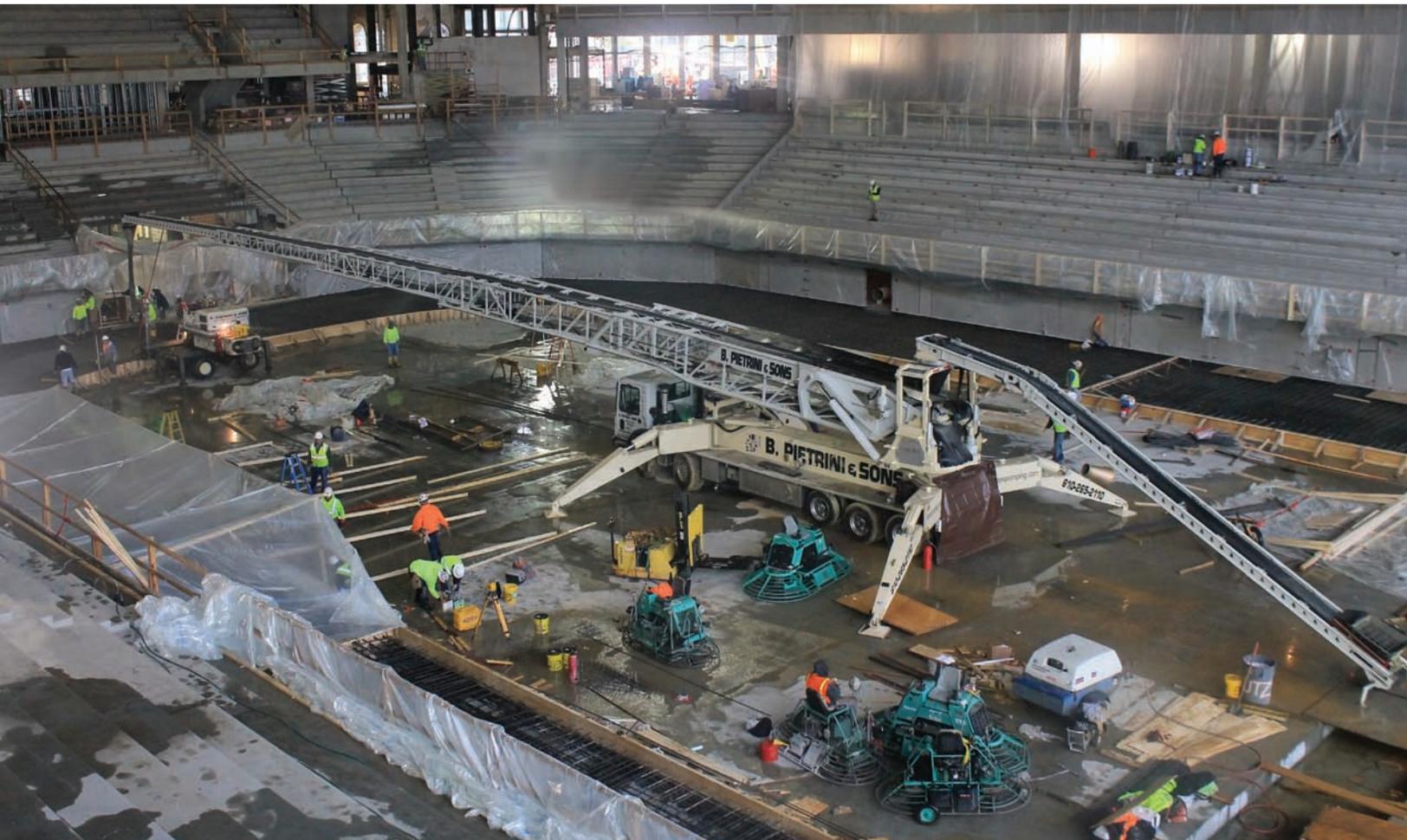
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Notes FROM THE PUBLISHER



The 'Dog Days of August' are supposedly upon us but so far the weather has been spectacular, and the only dog to stifle our collective spirit this summer is the professional baseball team masquerading as the Philadelphia Phillies. Fortunately for faithful readers of *Construction Today* local industry-related news has been generally good of late, and this edition includes several upbeat stories that should make you hopeful about the future and take your mind off America's Pastime.

Philadelphia is on the leading edge of a renaissance, fueled by significant construction projects in areas across the City — and perhaps nowhere is the changing landscape more evident than along the banks of the Delaware River. Once a bustling hub of commerce and recreation, the area fell on hard times and more recently has been a no-man's land that bears no resemblance to its thriving past. Nowadays, the Penn's Landing waterfront is becoming a destination rather than a place to avoid, and Delaware River Waterfront Corporation President Tom Corcoran is presiding over the redevelopment of nearly 1,000 acres of prime real estate that includes, among other amenities, one of the world's "best urban beaches."

In South Philadelphia, another waterfront parcel of land continues to grow rapidly, and is becoming a preferred destination for many of the City's leading employers. Nestled among this corporate campus that includes headquarters for household brands such as GlaxoSmithKline, Tasty Baking

Company and the Philadelphia 76ers, retailing giant Urban Outfitters recently opened a new \$200 million building that is fast earning a reputation as one of the City's best workplace environments. And just a few days before the first employees moved into this new space, GBCA's Construction Leadership Council hosted an exclusive sneak peak of the property. For a closer look at one of the hippest projects to come on-line in a while, check out our Hard-Hat Tour photos on pages 14 and 15.

On the public policy front, GBCA's influence has been on full display, evidenced by two Pennsylvania Supreme Court decisions handed down earlier this year. Thanks to the efforts of your Association and some of our member companies' top legal minds, GBCA was instrumental in helping to beat back challenges to Pennsylvania's workers' compensation and mechanic's lien laws — which, if left unchallenged, would have eliminated certain long-standing rights enjoyed by construction companies throughout the Commonwealth. To learn more about these issues and how the court rulings affect your company, make certain to read how "GBCA Helps Shape Construction Law in PA."

Of course there are other great features you won't want to miss, including articles that recount two GBCA spring traditions, the latest installment of "Contractor's Corner" and another insightful safety column penned by our resident safety guru. And make certain to read "Saving Money Today: Looking for Returns in all the Wrong Places," written by our friend Jim Hiles.

So as we count down the end to summer I suggest you grab yourself a cold beverage, find a quiet place to kick back (maybe in your backyard hammock or one over at Spruce Street Harbor Park), and read up on all the latest and greatest happenings at GBCA, across the industry and throughout the region. It won't be long now until we transition from our beach chairs and hammocks to our living/family room armchairs and stadium tailgates. And you can rest assured, regardless of the season, *Construction Today* will be here for you in all kinds of weather — win, lose or draw.

ConstructionTODAY

gbca.com/publications/construction-today-magazine

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PRINTING

Smith-Edwards-Dunlap Company

2897 E Allegheny Ave

Philadelphia, PA 19134

215.425.8810

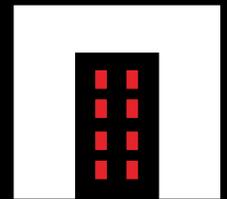
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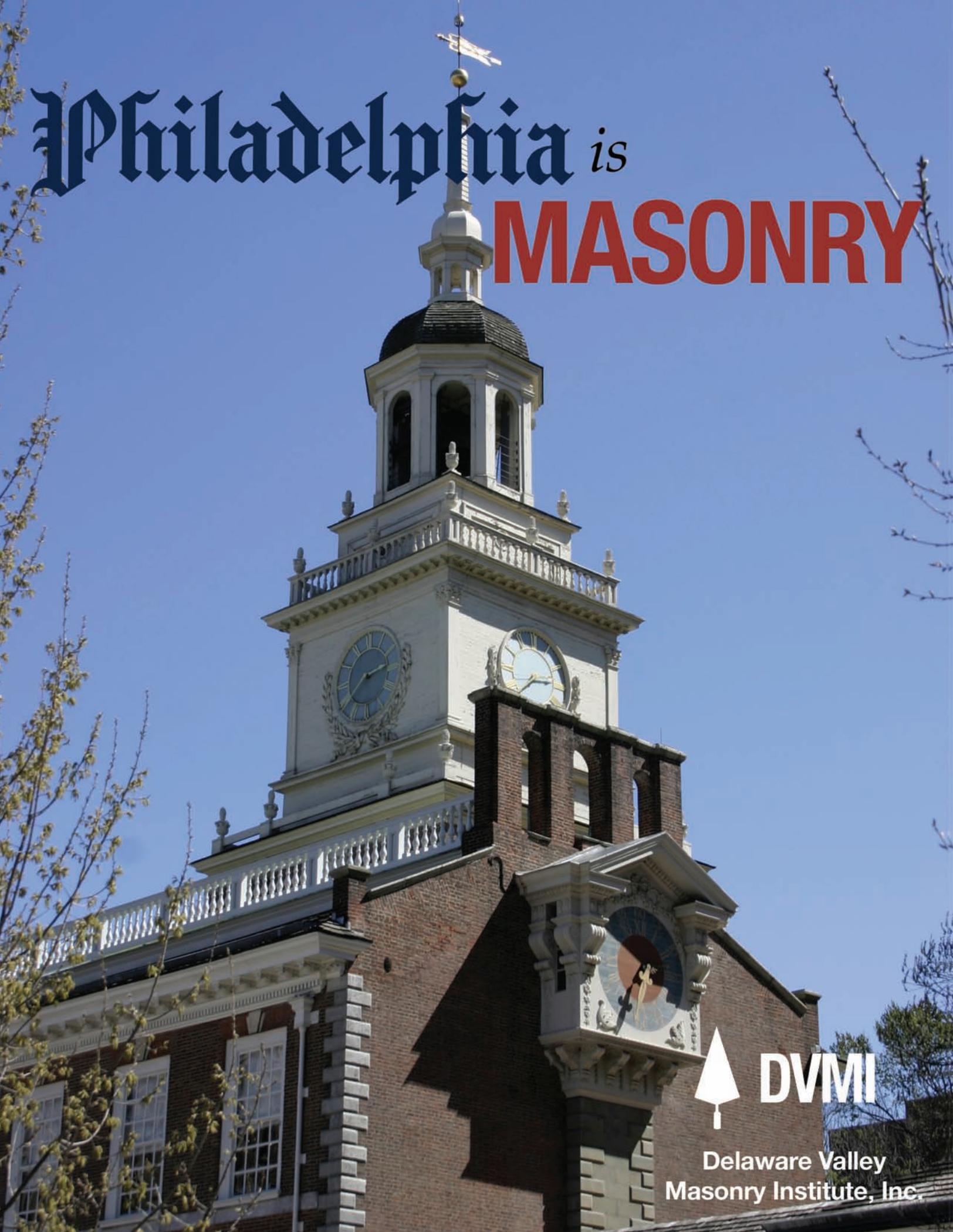
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The Construction Excellence Awards (CEA) is open to all GBCA members in good standing. General Contractors and Subcontractors/ Specialty Contractors are eligible to submit entries in specific respective categories. For details, please visit <http://awards.gbca.com>.

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Register online at <http://gbca.com/awards>

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10



COVER

10 Philadelphia's Delaware River Waterfront gets a long-awaited makeover

Cover: Tom Corcoran, President
Delaware River Waterfront Corporation

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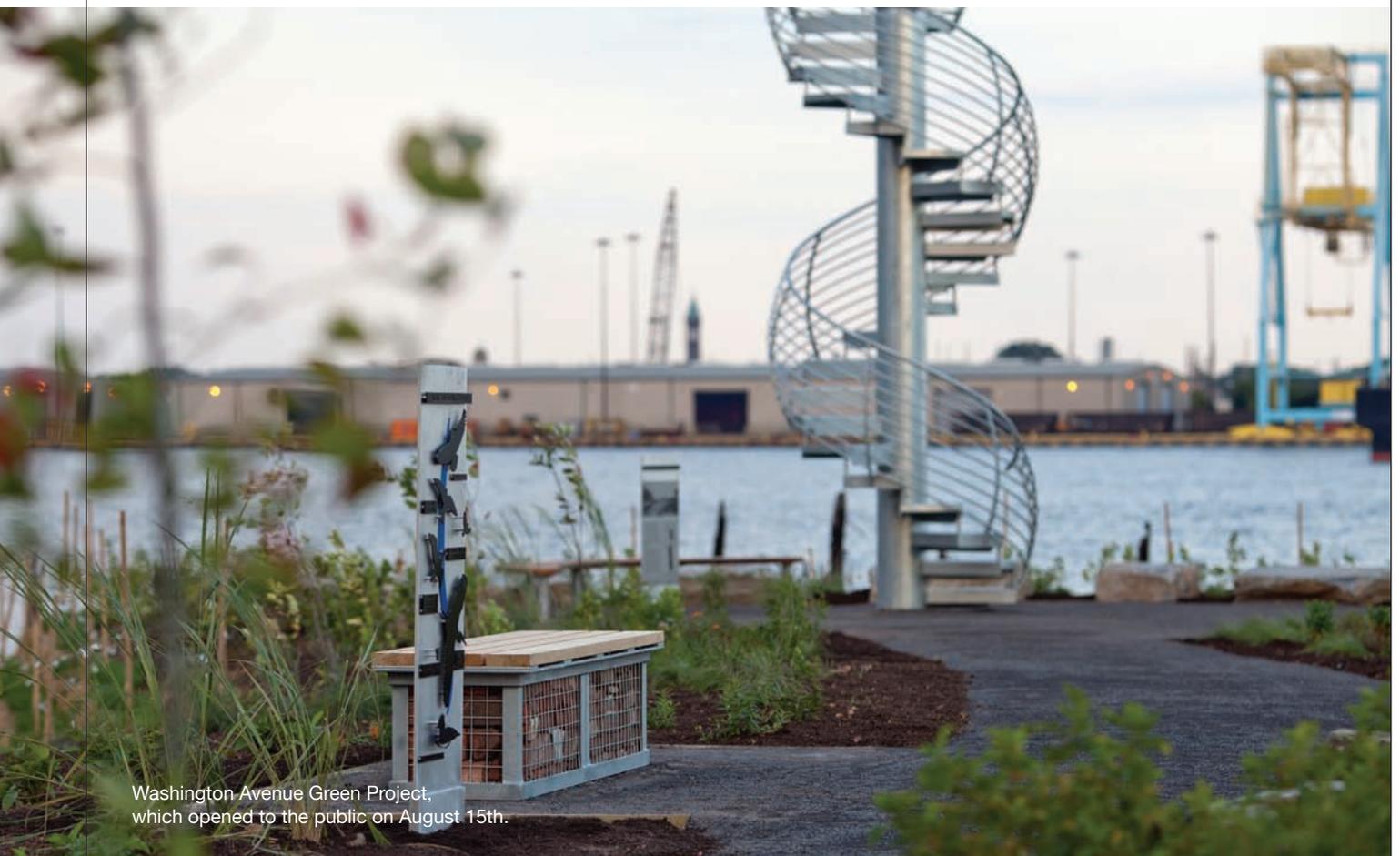
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Washington Avenue Green Project, which opened to the public on August 15th.



Philadelphia's Delaware River Waterfront gets a long-awaited makeover

By Melissa Wyatt, GBCA, Director, Communications and Marketing

For years, this City has seen proposal after proposal to rebuild Philadelphia's Delaware River Waterfront, promising the creation of a destination, something for this City to be proud of. But as the years passed by, not a single proposal was determined feasible and energy was lost...until now.

Under the leadership of Tom Corcoran, the Delaware River Waterfront Corporation (DRWC) has come to life, bringing new energy and results to a waterfront that so desperately needed it. And now, it looks as though our pipe dreams of reconnecting the City to the waterfront are attainable and the progress isn't going unnoticed. "To help set the stage for future development, DRWC has focused on events marketing and created two new seasonal place-making initiatives that will help spur the redevelopment of Penn's Landing," says Corcoran.

Those initiatives include *Winterfest*, a holiday village around the Blue Cross River Rink that received favorable reviews last winter and *Spruce Harbor Park*, a reimagining of the marina basin at Penn's Landing, which debuted earlier this summer, complete with a boardwalk, urban beach, floating barges, water gardens, a restaurant and bar, and hammock orchard.

"Look at the numbers Penn's Landing has been able to attract between concerts in Great Plaza and Festival Pier," says Corcoran. "We draw 1 million people per year." This just goes to show that the need for more programming and public space is needed along the waterfront.

In addition, more permanent installations are gaining favorable reviews from residents, with several more opening over the next year. Race Street Pier became an instant destination upon

opening, attracting joggers, walkers and loungers alike. A brand new park, Washington Avenue Green, the original site of City's immigration pier from 1875-1915, is bringing ecological focus to a forgotten historical site. This project recently opened to the public with panoramic views of the waterfront and a boardwalk, giving visitors access to the river's edge where they can touch the water. Pier 68, where Walmart currently resides, is being built out as a park for passive recreation, as well as for fishing and up-close observation of the Delaware River. It also will serve as the southern trailhead for the Delaware River Trail, which will create a pedestrian and biking path between the anchor parks at Washington Avenue Green and Pier 68.

Reshaping the Waterfront

Let's back up for a minute and look at the ultimate goal for the Delaware River Waterfront. The mission of DRWC is to plan and coordinate the redevelopment of the six-mile stretch along Delaware Avenue from Alleghany to Pier 68 in South Philadelphia. This area encompasses approximately 1,000 acres.

"The Central Delaware River Waterfront now has all of the ingredients necessary for success," says Corcoran. He went on to outline the following reasons:

1. There is a very passionate and well-organized group of neighborhood stakeholders who are advocates for creating high quality public access to the river as well as for land use policies that help ensure sustainable development.



Spruce Harbor Park — During Construction of the Barge Restaurant

2. With generous financial support from the City of Philadelphia, the Commonwealth of Pennsylvania and the William Penn Foundation, DRWC is making a series of high impact public improvements in the form of well-designed new parks, each with its own identity, as well as a state-of-the-art waterfront trail and improved connector streets under I-95. The goal of these improvements is to reconnect Philadelphians to the Delaware River and to incentivize private investment to create taxes and jobs.
3. Developers are now responding to these incentives in ways that are consistent with DRWC's master plan, and, over the next several years, we will see an impressive amount of new private investment.

Hargreaves Associates, a New York City landscape architectural firm, completed the study and tested the master plan two and half years ago. They tested to see if it could work and to improve the design and engineering. It was determined that the plan is feasible at a cost of \$250 million and the first master plan for the Central Delaware River Waterfront was adopted by the City Planning Commission in 2012.

There are two major parts to the redevelopment of the waterfront. DRWC owns the land that encompasses Penn's Landing and the Festival Pier Site. Private entities own everything else. While focused on the sites they own, DRWC will also be working with the private entities to provide assistance with public

infrastructure adjacent to their sites so the revitalization is all encompassing.

The Festival Pier site is currently used for outdoor concerts by Live Nation. The proposed plan for that site is a mixed-use project with 400 units of housing with dining and retail. This transit-oriented development site sits at Delaware Avenue and Spring Garden Streets, with the SEPTA Market-Frankford Line and several bus routes running north, south and west. Corcoran hopes to send out a formal solicitation for proposals by late 2014/early 2015.

The redevelopment of Penn's Landing also will reconnect the City to the waterfront. The plan calls for decking over I-95 and Columbus Boulevard between Walnut and Chestnut Streets, as well as a new green park that will terrace down to the river on the same alignment. In addition, the ice skating rink would move closer to Front Street. The Seaport Museum, which is looking to demolish its current building and build a smaller, more usable space, and Hyatt will interact with the park.

The ultimate goal is to have the park flanked on both sides by intensive residential and retail development, which has been projected at approximately 1,500 units of housing, 500 hotel rooms and 100,000 square feet of dining and entertainment. To accommodate the additional traffic, DRWC is also proposing a future parking garage for the current surface parking lot at South Street and extending the current pedestrian bridge to the waterfront.

To make the trip to the waterfront more inviting, DRWC took a look at the existing access points. There are currently 34 streets on the plan that connect to Delaware Avenue. One recently improved was Race Street. “The Race Street Connector lighting installation serves as an example of the importance of these connector streets,” says Corcoran. “People are no longer afraid to walk that stretch at day or night.” DRWC is now working on three more connector street improvements that were funded by PennDOT and has plans to complete an additional three streets in 2015.

Pieces of the master plan have been under development since the plan was accepted in 2012, with projects already completed including:

- Race Street Pier
- Race Street Connector, Phase I
- Washington Avenue Green
- Delaware River Trail

Projects now under construction or in the design phase include:

- Race Street Connector, Phase II
- Pier 68 Park
- Spring Garden Connector
- Columbia Avenue Connector
- Southern Delaware River Trail (Pier 70 to Washington Avenue)
- Preparations for future development of the Festival Pier site at Spring Garden and Columbus Boulevard

“We want to maintain, but create a permanent waterfront neighborhood where people live, work and play and rejoin the waterfront to the City,” says Corcoran. “Projects like the connector streets and the Festival Pier development take creative energy from neighboring area like Northern Liberties and invite the activity to the waterfront.”



Emily Bittenbender, owner of Bittenbender Construction and Senior Vice Chair of the GBCA Board of Directors, recently relocated her offices to the Delaware Waterfront.

“Young people in the city want an accessible waterfront to run, dine, be entertained and come together. This time it’s really going to happen.”

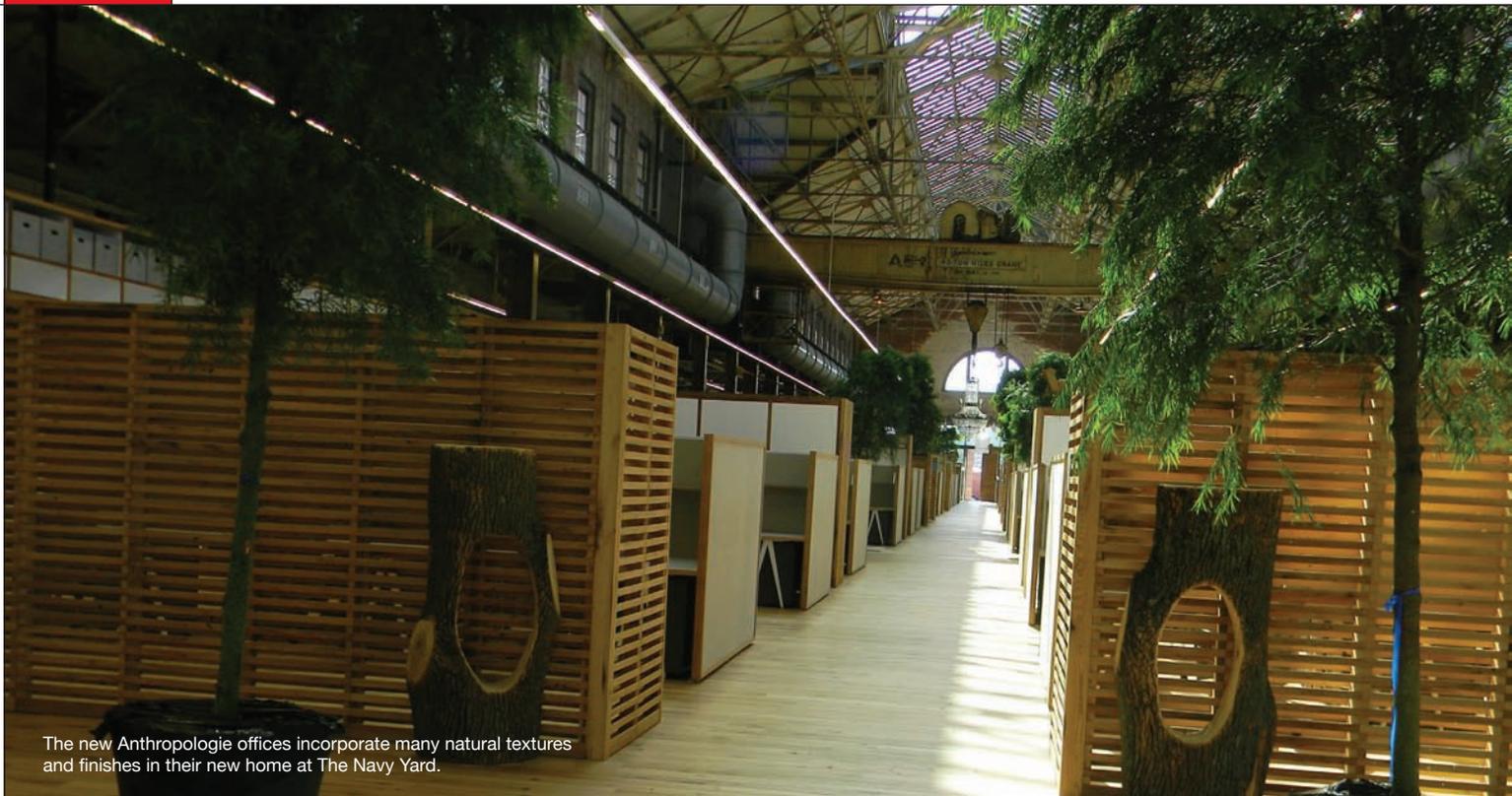
Getting Local Support

“The biggest hurdle to date with the redevelopment of the Central Delaware Waterfront has been the skepticism that nothing can change,” stated Corcoran. “The Public Sector needs to take the lead and private development will follow.” With this strategy in mind, the Master Plan has led the way to rezone properties and add the needed space for the trails that give access to the Waterfront.

And private development is indeed following. Emily Bittenbender, owner of Bittenbender Construction and Senior Vice Chair of the GBCA Board of Directors, recently relocated her offices to the Delaware Waterfront. When asked why, she explained: “In my personal life, I always live on the water; it gives me peace and calms my stress down significantly. I love my team and I wanted us to work in a beautiful and natural environment, which is hard to find in the city. Bittenbender relocated our office for two reasons. One, we have an awesome view of the Ben Franklin Bridge, marina and the river. Two, I am a firm believer that DRWC has the vision and a sound plan for development along the waterfront. I think they will get it done and we want to be involved.” Bittenbender has seen her team grow stronger since their relocation to the waterfront, which she contributes to having light-filled offices, the calming waterfront in the back-drop and the fresh river breezes afforded by sliding glass doors overlooking the marina throughout the office space.

Before moving their offices, Bittenbender construction responded to the Pier 68 RFP as a teammate with Studio Bryan Hanes and won the project. Bittenbender Construction specializes in urban landscapes and parks, which was a driving factor in relocating to the waterfront. “We really enjoy building outdoor spaces that Philadelphians can enjoy,” says Bittenbender. “Pier 68 will be a very big success when it is done.”

“Creating a great waterfront is the last unfinished business Philadelphia has,” says Corcoran. “Young people in the city want an accessible waterfront to run, dine, be entertained and come together. This time it’s really going to happen.” **CT**

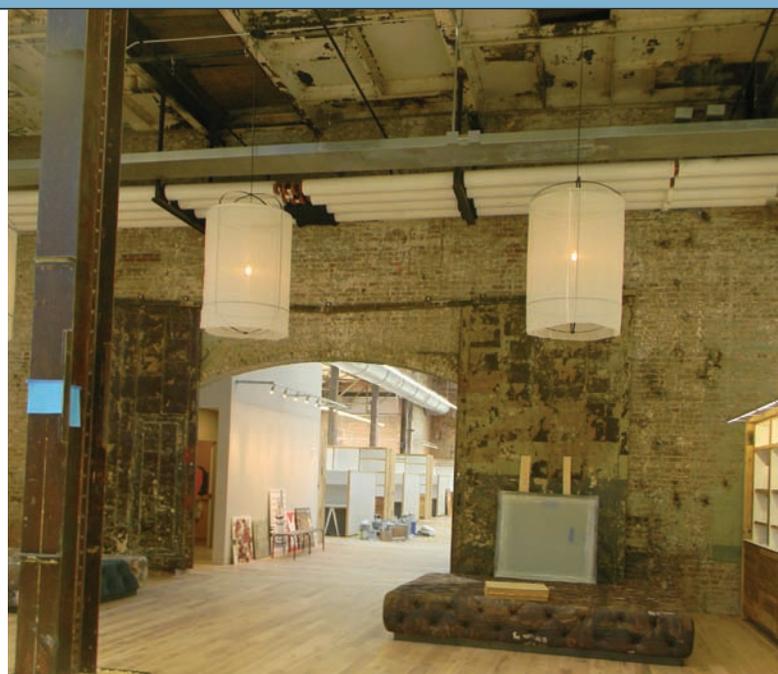


The new Anthropologie offices incorporate many natural textures and finishes in their new home at The Navy Yard.

Construction Leadership Council tours the new home of Anthropologie at The Navy Yard



The building, shaped like a T, greets guests with a grand chandelier.



Cozy seating areas for informal gathering with coworkers.

Urban Outfitters, the pioneers in relocating their corporate headquarters to The Navy Yard in Philadelphia, gave the Construction Leadership Council an inside look at the newest addition to their headquarters in Building 18 on April 24, 2014. The 87,000-square-foot renovation created a unique space with old and new elements to house its Anthropologie brand.

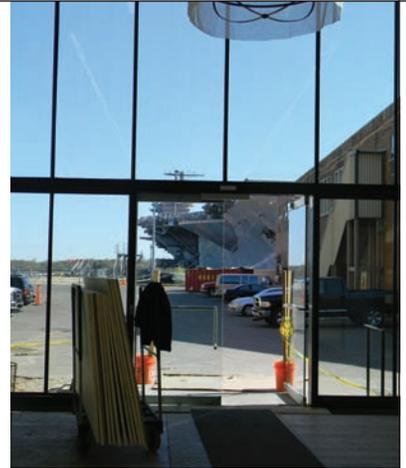
The former Naval Metal Foundry's space now inspires employees with skylights and large window walls that usher in natural light. Natural materials, ambient lighting, and lush greenery bring the outside indoors. Reclaimed materials from the original building were used in the décor, adding character and charm to the building. Open workstations and gathering places allow employees to collaborate and be creative. Urban Outfitter's headquarters, located at the former Philadelphia Navy Yard, is currently home to 2,000 employees with another 2,000 slated to be hired over the next five years.



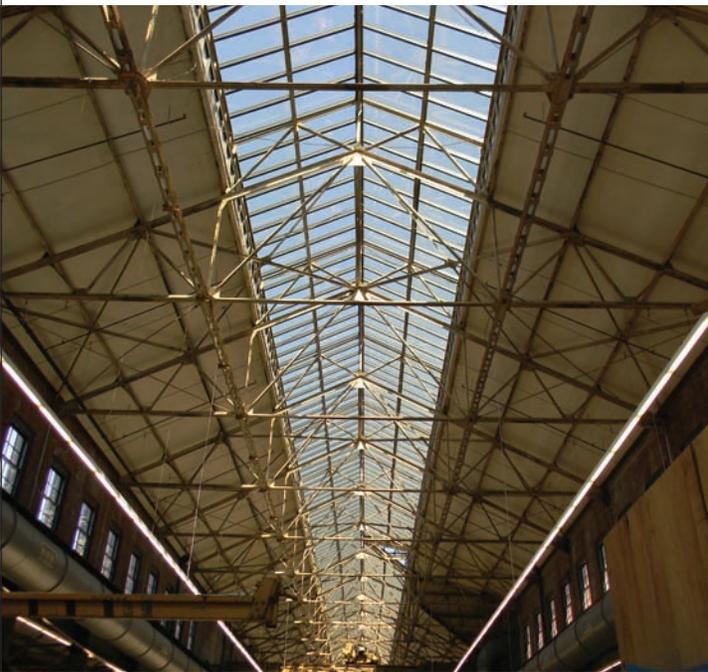
Dramatic artwork can be found throughout the new office space.



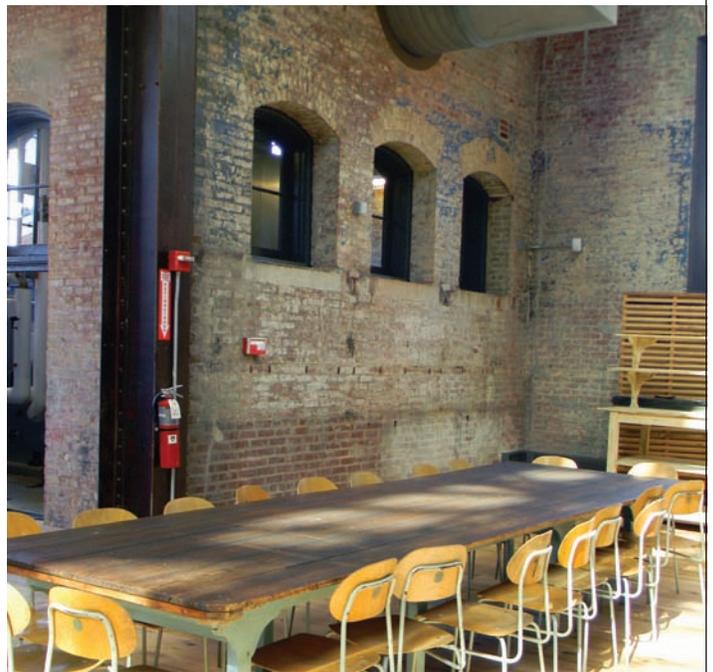
David McCreight, CEO of Anthropologie, briefly joined the tour to give a background on the company and the construction process.



Naval ships are docked just outside the door.



A large skylight runs the length of the building, bringing natural sunlight to the workspace.



A table made of recycled wood and metal provides an open meeting space, set against one of the original brick walls.

Day at the Ballpark

The Construction Leadership Council hosts a sell-out networking event at Citizens Bank Park



On May 14, GBCA held its annual “Day at the Ballpark,” sponsored by the Construction Leadership Council. At the “High and Inside Pub” guests enjoyed ballpark favorites, networked with industry peers and mingled with Phillies great Von Hayes. It was a great day to take in a ball game and cheer on the hometown Philadelphia Phillies against the Los Angeles Angels!

Contractor's Corner

NAME: William A. Cobb
TITLE: President
AGE: 69
COMPANY, CITY: Haverstick-Borthwick Company, Plymouth Meeting, Pa.
YEARS IN FIELD: 47
EDUCATION: Lehigh University, BA '66, BS Engrg '67, Drexel MBA '73
BIRTHPLACE: Philadelphia
CITY OF RESIDENCE: Fort Washington
FAMILY: Wife Susan, Children Michael, Christine, Jill and Ashley
FIRST JOB: Joined the family business right out of school
RANDOM FACT ABOUT YOURSELF: I'm a home brewer, experimenting with full grain brewing.

What is your business motto?
Do the right thing, always.

When did you first become interested in your career path? When I visited large companies for job interviews my last year in college. I decided it was better to be in charge than subject to the whims of others. I think I would have gone into any business where I could be an entrepreneur and work for myself. Construction happened to be the place I could do that without starting from nothing.

What is the most rewarding part of your job? Working with great people.

Least rewarding? Having to put up with bad and incompetent people.

What is your biggest daily challenge? Keeping everything positive. You can't let your frustrations affect your workforce.



Photograph by Ken Yanoviak

How do you inspire your employees? Lead by example and care about people. They don't care what you know. They need to know that you care.

How do you keep your competitive edge in today's market? It takes a lot of energy and enthusiasm. The older I get, the more I need to pay attention to my health and exercise.

What project are you currently working on? Personally, Camden Shipyard Museum.

Do you have a life motto? Give back. To whom much is given, much will be required. (Luke 12:48)

What's the most important lesson you've learned in life? Family comes first. My extended family is more important to me all the time. Everything else is in second place.

What is your biggest regret? Two major projects for bad customers. They cost us dollars but also damaged our confidence and abused our trust.

What award or honor are you most proud of? The restoration of the Pennsylvania Academy of the Fine Arts was the largest restoration funded by the State of Pennsylvania for the Bicentennial in 1976. I had the privilege of working with the architect, Hyman Myers, when we were both in our 20s, full of enthusiasm and not knowing what we didn't know. There were more significant restorations done later and widely acknowledged but because PAFA happened right at the beginning of my career, I will always be very proud of that accomplishment.

What word or phrase best describes you? Fair. I may not always get it right but I really try.

What would be your first choice for a new career? Information Technology. Since my first Apple II+ in the '70s I have always been fascinated with the pace of technology and the new things it produces all the time.

Favorite way to spend your free time? With my family.

Favorite vacation spot? Hawaii, but only with my children. The outdoors is spectacular but I wouldn't enjoy it without them.

Favorite sports team? Eagles. Just can't kick the habit.

Book that has inspired you most? "Pillars of the Earth" by Ken Follett. Building cathedrals in the 11th century for the Church who demanded bigger and better buildings than anything else by trial and error with no engineering or plans is fascinating. That's the time of the real Master Builder who was in charge of and responsible for everything, doing things that had never been done before.

Favorite movie? "My Cousin Vinny." I laugh every time I see it and repeat favorite lines all the time. (What's a yoot?)

Favorite restaurant? Forest and Main Brew Pub in Ambler. Run by two young guys who renovated the building, installed the brewery and do all the brewing. Met them more than a year before they opened and going there is visiting friends.

What kind of car do you drive? Lincoln MKZ hybrid. **CT**

Annual Golf Outing

Members hit the links on June 2 for GBCA's Annual Golf Outing.



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The year's outing was hosted at Whitmarsh Valley Country Club, one of the premier golf courses in Pennsylvania with a history rich in heritage and tradition. The golfers enjoyed a challenging day on the course and, with a combination of skill and mulligans, made it through all 18 holes with the following individuals and teams finishing on top:

CLOSEST TO THE PIN

Dave Giagomin

1ST PLACE – 64

George F. Kempf Company

Steve Cardarelli
 Matt Andrews
 Peter Bradley
 Matt Meneely

3RD PLACE – 64

USI Insurance Services

Fran McGinley
 Tony Rizzo
 Mark Rizzo
 Phil Remig



2ND PLACE – 64

Steven Kempf Company

Shawn Henderson
 Jim Wollner
 Wayne Van Hest
 Art Schenck





Meet Roy

By Donald Ashton, WSO-CSM, GBCA, Director, Safety Services

The following story was written to introduce you to Roy Barnes. I personally had the opportunity to meet Roy in March 2008 and was extremely impressed with his dedication to his family, his friends and his job. I can definitely attest to his sense of humor. A tremendous guy who every construction worker should become familiar with.

Roy Barnes and Tim Smith are co-workers employed by Builders Construction Company. Friends since high school, Roy and Tim have worked for Builders Construction for more than 15 years.

Their job assignment for the day was to deliver equipment from the company yard to the jobsite using the company's 26-foot box truck. Upon arrival at the jobsite they noted that the off-loading/staging area was occupied. They were advised that the work in the area would be completed in one half hour. While waiting they decided to enter the nearby break trailer to warm up.

8:00-8:05 a.m. — They parked the truck near the break trailer. Both Tim and Roy proceeded into the trailer. They stopped briefly to congratulate Bill Parsons, a co-worker on his recent engagement.

8:05-8:08 a.m. — As Tim and Roy walked into the break trailer a co-worker, Nalon Reed, wished them both a "Happy Thanksgiving." Nalon asked Roy if his wife, Ruth, would be cooking or if he had other plans.

8:08-8:18 a.m. — Roy tells Nalon and Tim about Ruth's plans for Thanksgiving dinner. Roy's parents are visiting from Colorado for the first time in six years. Ruth has listened to every Thanksgiving Day dinner story Roy had described over the years, from breaking the wishbone with his sister, to the time he helped his mom prepare the turkey and forgot to remove the gizzards and plastic wrapping from inside the turkey. She has every intention of adding this dinner to Tim's favorite memories.

Tim will be “deep-frying” his turkey, which sets off a five-minute debate on the merits of deep-frying versus roasting. The discussion ends with Tim promising to bring in some left-over deep fried turkey so that he can prove his cooking choice is the best. Roy puts \$20 on Ruth’s turkey. (He’d never admit it to his mother but Ruth roasted the best turkey he’d ever eaten.)

8:18-8:23 a.m. — Roy and Tim exchange a couple of jokes, and a couple cups of water from the dispenser. One of these jokes strikes Tim as extremely funny and he spits water onto Roy when he laughs. Roy wipes himself off and decides not to tell the golfer and the parrot story. They then leave the dispatch office to see if the staging area is clear.

8:23-8:25 a.m. — Bob Reese, the spotter at the staging area, advises that the area will be clear within the next five minutes. Roy retells the joke that Tim thought was so funny. He is extremely glad that Bob was not drinking water. He decides the joke is a keeper.

8:25-8:30 a.m. — Tim climbs into the truck cab while Roy stays on the ground waiting to direct Tim back into the staging area. Tim reminds Roy how lucky he is to have a wife like Ruth making his Thanksgiving so memorable.

8:30-8:31 a.m. — Tim is looking in his rearview mirror and sees the staging area mostly clear. The truck, formerly in the staging area, pulled forward but its tail end is partially blocking the approach to the area. He swears under his breath but makes the decision that he can probably get by. He makes a comment about the “stupid trucker not pulling all the way up” and “it’s going to be a tight squeeze.”

8:31 a.m. — Tim begins to back the box truck. The back-up alarm is non-functional. It is assumed that Roy, having heard Tim’s comment about the trucker, decided to ask the trucker to move forward. He walks directly behind Tim’s backing truck.

Roy’s back was to the truck. The left rear tire of the truck struck Roy’s left leg knocking him to the ground. The approximately 30,000 lb. (15 ton) truck continued backing with the left rear and left front tires rolling across the length of Roy’s body from his ankle to the top of his head.

It was not until the yard truck completely passes over Roy, and Tim backed an additional 15 feet past Roy’s now lifeless body, that Tim stopped and exited the yard truck to ascertain what the “bump” was that he has just backed over.

The impact of this incident had far-reaching effects. The company lost a fine and valued employee. Roy’s church lost a fine tenor. His bowling team a 224 average. The local Little League team a 10-year veteran coach.



Tim is burdened with the guilt of killing his best friend. Roy’s family had a memorable Thanksgiving for all the wrong reasons. His parents lost a son. His wife lost a husband, and his children lost their Dad.

It wasn’t just an accident. It was a life-changing event.

The above story is based on an actual fatality that occurred on Wednesday, Nov. 26, 2008. The names and locations have been changed. The timeline account is a fictionalized version of conversations that could have occurred in the final 30 minutes of “Roy’s” life. It is “Ruth’s” fervent hope that this story helps prevent a similar incident from happening to another worker’s family. **CT**



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Making a Difference – ACE Mentor Program Recognizes Industry Leaders and Supports Students

By Amanda Gibney Weko

The program's 13th Annual Scholarship Breakfast was held May 14 at Philadelphia's Crystal Tea Room, attracting members of the architecture, construction, and engineering communities to support the organization and honor 2014 award recipients.

That day the ACE Eastern Pennsylvania Affiliate presented four industry leadership awards in recognition of people and projects that demonstrate ACE excellence. Emily Bittenbender, president of Bittenbender Construction, L.P., was named Person of the Year. Mitchell and Hilarie Morgan Hall at Temple University was recognized as Project of the Year. Howard Neukrug, P.E., commissioner of the Philadelphia Water Department, was honored as Community Leader of the Year. The final award went to Anthony Naccarato, P.E., S.E.C.B., president of O'Donnell & Naccarato structural engineers, in recognition for his outstanding service to the ACE Eastern Pennsylvania Affiliate.



Bittenbender was honored for her extensive contributions to Philadelphia, its built environment, and the region's design and construction community.

Person of the Year

Emily Bittenbender, president and managing partner of Bittenbender Construction, L.P., was named Person of the Year.

Her career focus has been the design, construction, and renovation of public buildings and spaces. The Rendell Administration hired her as the first director of the Capital Program Office. She was charged with bringing private-sector business practices to the city, completing over \$454 million of backlogged capital projects in three and a half years. Bittenbender then managed design and construction of the \$137 million National Constitution Center.

In 2003, she started Bittenbender Construction, a commercial general contractor and construction management firm specializing in new construction and renovation of museums and historic sites, retail, higher education, and corporate fit-out projects. It is the only woman-owned, union-affiliated general contractor in the area. In 2009, she launched Philadelphia Carpentry Systems,

L.P., a woman-owned carpentry and exhibit installation company that serves regional general contractors and building owners.

Bittenbender was awarded the 2011 Greater Philadelphia Chamber of Commerce Excellence Award for Small Business Person of the Year. She sits on the boards of the Philadelphia Chamber of Commerce, The Committee of 70, GBCA board and executive committees, Carpenters' Company of the City and County of Philadelphia board and management committee, Philadelphia Academies, Inc., Philadelphia Municipal Authority, Mayor's Commission on Construction Industry Diversity, and Community College of Philadelphia Construction Review Board.

Bittenbender was honored for her extensive contributions to Philadelphia, its built environment, and the region's design and construction community.



Project of the Year

Mitchell and Hilarie Morgan Hall at Temple University was recognized as Project of the Year. The \$215 million, LEED Silver or Gold (anticipated) residential, dining, and retail building has put an indelible mark on the university's campus and the Philadelphia skyline. The complex enhances the student experience as part of the Temple 20/20 Masterplan to envisage the campus as a community-engaged, pedestrian-oriented academic and cultural destination in Philadelphia.

Designed by MGA Partners, Architects, Morgan Hall encompasses 32 floors of residential space in two buildings, 363 gender-specific residences each with a full bathroom, 53,000 square feet of dining and retail spaces with public access, and terraced outdoor areas that accommodate quiet reflection or large, programmed events. Thoughtful details abound throughout the complex, including airy and welcoming lobbies with sculptural, acoustic wood ceiling panels and stainless steel fireplaces.

A strong urban presence and a modern design language of glass, metal panels, and black and white brick articulate Morgan Hall's identity. The project vision linked the site with residential and commercial structures, opening a raised central terrace to become a communal yard for students. The complex consists of two primary residential buildings: Morgan Hall North, a slim 24-story tower that serves as a skyline landmark, and Morgan Hall South, an L-shaped, eight-story midrise. A retail and dining pavilion serves both students and the local community.

Residences for 1,274 students are configured in suites, creating vertical neighborhoods of 60 students each that facilitate strong bonds of community within the larger complex. Neighborhoods share double-height lounges expressed as glass volumes at the building's corners, highlighting student life to the neighborhoods beyond.

Sustainable design features permeate Morgan Hall and demonstrate Temple University's commitment to environmental stewardship. Three cost-effective structural systems were used to maximize building life cycle: post-tensioned concrete, steel, and a hybrid steel with concrete plank. Exterior walls and other building systems were prefabricated off-site for quality control and reduced construction time and cost. A white roof and new green areas mitigate the sun's heat, alleviating the urban heat island effect. Mechanical systems were designed to reduce energy consumption by capturing and reusing the building's latent hot and cold air. Native planting and rainwater capture and reuse contribute to sustainable landscape design.

Morgan Hall was honored for its effective urban design, modern architecture, and emphasis on sustainability. **CT**

Project of the Year Team

ARCHITECT

MGA Partners
Daniel Kelly, FAIA

CONSTRUCTION MANAGER

L.F. Driscoll Company, LLC
Jack Donnelly

OWNER'S REPRESENTATIVE

Aegis Property Group
John Cacciola, PE,
LEED AP

ASSOCIATE ARCHITECT

PZS Architects
Michael Skolnick, AIA

LANDSCAPE ARCHITECT

OLIN
Skip Graffam, RLA, ASLA,
LEED AP

STRUCTURAL ENGINEER

CVM Engineers
Jon Morrison, PE

SYSTEMS ENGINEER

H.F. Lenz Company
Robert Stano, PE

ASSOCIATE SYSTEMS

ENGINEER
Mark Ulrich Engineers
Mark Washington, PE

LIGHTING CONSULTANTS

Renfro Design Group
Richard Renfro

O'Donohue & Rose
John O'Donohue

CIVIL ENGINEER

Hunt Engineering
Company
Christine Hunt

FOOD SERVICE CONSULTANT

Birchfield Jacobs
Foodsystems
John Birchfield

ACOUSTICAL CONSULTANT

Acentech Incorporated

BUILDING ENVELOPE CONSULTANT

Edwards & Company

SPECIFICATIONS

Wilson Consulting

Saving Money Today: Looking for Returns in all the Wrong Places

James D Hiles, Partner, Cantor Fitzgerald Wealth Partners



Name that tune.

*I was lookin' for love in all the wrong places,
Lookin' for love in too many faces*

*Searchin' their eyes, lookin' for traces, of what I'm dreamin' of
Hopin' to find a friend and a lover, I'll bless the day I discover
Another heart, lookin' for love*

The answer is: Johnny Lee and “Looking For Love (in all the wrong places).” It’s a classic — and who didn’t sing that once in their life? Well, investors are singing a similar tune today. But instead of love (or in addition to) we are looking for returns (on our money) in all the wrong places.

Maybe the first thing we need to do is “Love the One You’re With.” (That’s right: Stephen Stills.) In financial terms, give yourself credit for where you are and think about where you want to be at retirement. By the way, you can just work until you die but who really wants to? In 2013, only 46 percent of workers (and/or spouses) have tried to calculate how much money they will actually need to save for a comfortable retirement, according to an Employee Benefit Research Institute and Mathew Greenwald & Associates, Inc. 2013 Retirement Confidence Survey.

(See chart at left for the financial planning process.)

And guess what else? You are likely to live a long time. For example, there is a 47 percent chance that one spouse will live to age 90 (according to a recent JP Morgan study). You could be retired a long time, longer than some careers. And it may not be as easy as you think to just keep working. Sixty-eight percent of employed Americans plan to work beyond age 65 — but only 25 percent of current retirees actually did. There are a number of factors including health issues, employer issues and family obligations.



So looking for money from work in your golden years may not be as easy to find as you think. Cue David Bowie's "Golden Years."

*Some of these days, and it won't be long,
Gonna drive back down, where you once belonged,
In the back of a dream car, twenty foot long
Don't cry my sweet, don't break my heart
Doing all right, but you gotta get smart
Wish upon, wish upon, day upon day, I believe oh lord.
I believe all the way*

Yes, you've got to get smart. Looking for money from your social security payments? Many are taking the early benefits when delaying benefits results in a much higher benefit amount: waiting to age 70 results in 32 percent more in a benefit check than taking benefits at full retirement age, which is 66. Likewise, taking benefits early will lower the benefit amount. At age 62, beneficiaries receive only 75 percent of what they would get if they waited until age 66.

Can't I just coast when I get to retirement? Or is that all "Yakety Yak" (That's right—The Coasters.) Sorry, but older Americans will experience a higher degree of inflation over time, outpacing the general inflation measure as well as the rate at which Social Security increases over time, according to predictions by the Consumer Price Index, Bureau of Labor Statistics and JP Morgan as of Dec. 31, 2013. "Yakety Yak" but don't talk back to the facts.

If you are saving money for the future, congratulations: you are on your way. However, the investment environment is ever changing. Our current money policies are holding down interest rates. Most long term investors are avoiding Certificates of Deposits. It doesn't take a financial rock star to figure out you

need to look elsewhere to make money (See chart).

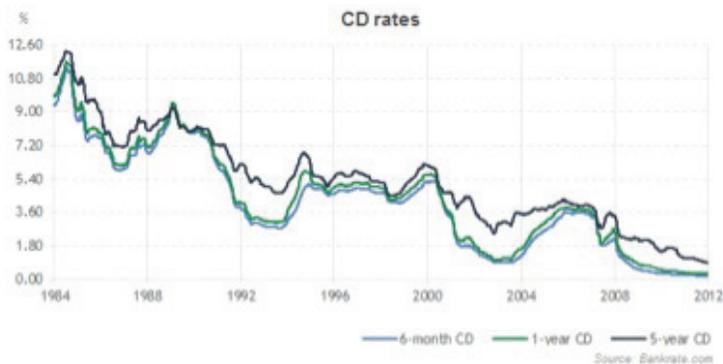
If you thought low rates are bad, what about taxes? The Beatles actually wrote the song "Taxman" because of the excessive 90 percent income tax rate in Great Britain at the time. It may be better here but taxes will reduce your net return on taxable income that comes from investments such as CDs or taxable bonds. Assuming you can get a 2 percent CD for five years, for each of those five years (assuming a 30 percent tax rate), you lose 0.6 percent, netting 1.4 percent.

So what can you invest in with "Life in the Fast Lane" (Eagles from Hotel California) in mind? Yes, you can by investing by educating yourself about how diversification works. Consider stocks or funds of dividend paying stocks with a strong track record of dividend growth, real estate investment trusts, pipeline companies, (Master Limited Partnerships), and unconstrained bonds portfolios. Of course, seek advice and read the prospectus before purchasing.

What is a musical reference without the chairman of the board? Sinatra's "Luck Be a Lady Tonight" is a hint.

*They call you lady luck
But there is room for doubt
At times you have a very un-lady-like way
of running out*

Maybe you will get lucky and find a lottery number that hits it big. Don't let your money run out on you. Get some help, do a financial plan, make a commitment, invest for today's market environment and work to make your future bright so you don't have to work. **CT**



GBCA Helps Shape Construction Law in Pennsylvania



Supreme Court's Workers' Comp Ruling

By Richard H. Lowe, Duane Morris, with Meghan E. Claiborne, Duane Morris LLP

The General Building Contractors Association recently played a substantial role in winning two significant cases in the Supreme Court of Pennsylvania. Both cases preserved the rights of contractors and subcontractors and created bright line rules that will greatly reduce the volume of unnecessary litigation moving forward.

In *Patton v. Worthington*², the Supreme Court affirmed that general contractors are “statutory employers” of subcontractor’s employees under the Workers’ Compensation Act, and therefore general contractors are immune from suits brought by a subcontractor’s employee³. In *Bricklayers of Western Pennsylvania Combined Funds, Inc. v. Scott’s Development*⁴, the court held that in respect to collective bargaining agreements between unions and contractors, union workers are not subcontractors, and therefore the trustees of the unions’ funds are not entitled to file a lien claim on the workers’ behalf under the Mechanics’ Lien Law of 1963, thereby preserving the mechanic’s liens as an extraordinary remedy. (See article on page 33 for more details about the Bricklayers case.)

About *Patton v. Worthington*

In *Patton*, a contractor hired a subcontractor to do work on a job site. An employee of the subcontractor, who was also the sole shareholder of the subcontractor entity, was hurt on the job site and brought a negligence action against the contractor. The contractor moved for summary judgment, saying the claim was prohibited under the Workers’ Compensation Act because a contractor is a statutory employer of a subcontractor’s employees under the Act, and is therefore immune from suit.

According to the Supreme Court, the trial court improperly issued the jury instructions effectively forcing the jury to assume the Employee was either an independent contractor or an employee of the contractor. Of course, the trial court ignored that the employee was obviously an employee of the subcontractor. Based on these incorrect instructions, the jury determined the employee was actually an independent contractor and returned a \$15 million verdict in favor of the employee. The contractor appealed; the Superior Court affirmed the decision.

Upon review, the recent Supreme Court decision found in a 7-0 ruling that the relationship between the contractor and the employee was not one of employer-independent contractor, but that of contractor-subcontractor’s employee — a relationship that had been recognized by the Court for almost a century as implicating the statutory employer concept embodied in the Worker’s Compensation Act. The amicus brief submitted by GCBA in this case was so effective that the Court not only relied upon it in reaching its decision, but also cited to it directly in its opinion describing the serious policies at stake in this case.

The Court agreed with GCBA that the impact of the Superior Court’s decision was to create “a tremendous amount of new legal liability into the construction industry in the absence of any indication from the Pennsylvania General Assembly that it intended to abrogate long-standing legal protections provided to general contractors for suits by employees of subcontractors.” As GCBA explained in its brief, each of these new suits would cause “(1) an increase in litigation costs; (2) the erosion and possible exhaustion of insurance policy limits; and (3) an increase in the cost of future insurance, as well as the amount of insurance required to cover *Patton*-induced liability. This new framework would cause a shift in liability to subcontractors based upon the indemnification clauses already present in most general contractor-subcontractor agreements. Not only would subcontractors be required to pay into Workers’ Compensation benefits for their employees, but they would no longer be immune from tort suits brought by these employees — for the same injuries already compensated by Workers’ Compensation payouts — against the general contractor. Insurance companies would be required to absorb increased risk due to the rise in claims, leading to higher insurance premiums. This would effectively increase the cost of construction across the Commonwealth. The decision also potentially harmed injured workers by allowing employers to avoid workers’ compensation liability and forcing workers to carry the burden of proving negligence to recover.

As a result of GCBA’s advocacy in *Patton*, there remains no question that general contractors are considered statutory employers of subcontractor’s employees under the Worker’s Compensation Act, and therefore a subcontractor’s employee is precluded from bringing civil actions against a general contractor under the Act. This rule applies even when the employee, as here, is operating as the employee-principal for the subcontractor-entity. This decision reaffirms decades old Workers’ Compensation precedent; supports consistency in the industry by reassuring contractors, subcontractors, and insurers of their obligations and rights under the law; and maintains the most efficient risk management scheme to ensure all parties are adequately protected. The long-term effect of GCBA’s efforts is to keep construction costs down, and prevent excessive, unnecessary litigation. **CT**

² No. 32 MAP 2013, 2014 WL 1236499 (Pa. Mar. 26, 2014)

³ Act of June 2, 1915, P.L. 736, art. III, § 302(b), 77 P.S. § 462, as amended Dec. 5, P.L. 782, No. 263, § 5

⁴ Act of August 24, 1963, P.L. 1175, No. 467, as amended, 49 P.S. §§ 1101-1902.

⁵ *Id.* at *4-5 (“The [Workers’ Compensation Act] does not sanction an exception to the statutory employment concept for subcontractors’ principal-employees, and nothing in the arguments persuades us that one should be fashioned judicially.”).

⁶ *Id.* at *3 (citation omitted) (emphasis in original).

⁷ Brief for William A. Graham Company T/A the Graham Company, et al. as Amici Curiae Supporting Appellant, *Patton v. Worthington*, 2014 WL 1236499 (No. 32 MAP 2013) 2013 WL 7176294, at *5-6.

How the Reversal of Patton v. Worthington Provides Relief, Saves General Contractors Millions

By A. Peter Prinsen, Esquire, CPCU, RPLU, ASLI, AIC, Vice President and General Counsel, The Graham Company and Joseph M. Martosella, Vice President and General Counsel, Buckley & Company, Inc

With the Pennsylvania Supreme Court's recent reversal in the Patton v. Worthington case, general contractors can breathe a sigh of relief and avoid millions in workers' compensation costs.

General contractors who contract directly with an owner in Pennsylvania and utilize a subcontractor to do a portion of the work have an obligation to pay workers' compensation benefits to a subcontractor's injured employee in the event the subcontractor fails to maintain workers' compensation insurance coverage. The contingent workers' compensation obligation has always been coupled with an important benefit: injured subcontractor employees cannot sue the general contractor for their injuries – even if the general contractor does not actually pay the workers' compensation benefits to the injured subcontractor employee. That immunity is called the “statutory employer” defense. Because of a misguided 2012 Pennsylvania Superior Court decision (Patton vs. Worthington Associates, Inc.), that defense was effectively eliminated. Fortunately, the Patton case was appealed to the Pennsylvania Supreme Court and ultimately reversed on March 26 of this year, thanks in part to a powerful statewide coalition assembled by The Graham Company which included GBCA and several of its members, including the authors of this article.

To understand the impact of this decision, consider what happened to GBCA member Buckley & Company, Inc. Buckley engaged a bridge painting subcontractor and later found that the subcontractor was having financial difficulties. These financial difficulties ultimately led to the subcontractor not paying the workers' compensation insurance premiums. Despite efforts by Buckley to keep the premiums current, the workers' compensation carrier ultimately cancelled the policy, but not before two significant claims had already occurred. A third significant claim was to occur after the policy was cancelled. Because the Patton case was pending and still on appeal when the three cases against Buckley were to go to trial, Buckley paid out more than \$5 million in liability claims to these three subcontractor employees despite the fact that it would otherwise

have been immune from these suits. In addition, Buckley paid out in excess of \$600,000 in workers' compensation benefits to the third employee who was injured after the subcontractor's workers' compensation carrier cancelled coverage. The impact on general contractors because of the Superior Court's Patton decision has been very significant.

The Problem with Patton

For the better part of 80 years, Pennsylvania courts have applied a five-part test set forth in McDonald v. Levinson Steel Co. (known as “the McDonald test”) to determine statutory employer status for purposes of the immunity defense. Under the McDonald test, the statutory employer doctrine applies if the following elements are met:

1. The general contractor is under contract with an owner of the premises or one in the position of an owner
2. The premises are occupied by or under the control of the general contractor
3. The general contractor has contracted with a subcontractor to work on the premises
4. Part of the general contractor's regular business is entrusted to the subcontractor
5. The injured worker is an employee of the subcontractor

Based on these factors, both the Pennsylvania Supreme Court and Superior Court have described the “classic statutory employer situation” to be in the construction industry, where a property owner hires the general contractor, who, in turn, hires a subcontractor to do part of the general contractor's work on the jobsite, and an employee of the subcontractor is injured in the course of his employment.

However, in Patton v. Worthington Associates, Inc., the Pennsylvania Superior Court grafted a fact question onto the McDonald test that completely nullified the statutory employer doctrine under Pennsylvania law. Specifically, the Superior Court found that, as part of the first McDonald element, the

jury must determine whether the injured plaintiff was a common law employee of the general contractor or an independent contractor. The problem with this question is that it can never be answered in a way that would allow the statutory employer doctrine to apply. If the jury found the plaintiff to be an employee of the general contractor, then the general contractor is an actual common law employer, immune from suit, and the statutory employer doctrine is not necessary. On the other hand, if the jury found the plaintiff to be an independent contractor, then the statutory employer doctrine would not apply because it applies only to the employees of subcontractors. Ultimately, this question forced the jury to make a false choice and omitted the only correct option, which is whether the plaintiff is an employee of the subcontractor.

By making general contractors statutory employers, the doctrine ensures that injured workers have a secondary source from which to recover workers' compensation benefits if their actual employer defaults. In return for this burden of requiring general contractors to remain statutorily liable (in reserve status) for the payment of workers' compensation benefits, general contractors receive the same immunity from employee tort liability and negligence suits that actual employers receive, subject of course to the McDonald test. If the Superior Court's decision in Patton was not reversed, the statutory employer doctrine would be eviscerated entirely and contractors would be deprived of the immunity that the doctrine intended. Buckley is just one example of how the Patton decision wrongfully deprived a general contractor of immunity.

Fighting Back

The Graham Company recognized that the trial court and the Pennsylvania Superior Court in the Patton case misconstrued the statutory employer defense to make it effectively unavailable to general contractors in the future. As a result of the initial Patton decision, general contractors were forced to pay millions of dollars of injury claims while at the same time remaining responsible for paying workers' compensation benefits. Furthermore, the decision effectively over-turned 80 years of Workers' Compensation precedent.

Simply put, something had to be done to reverse the Superior Court's Patton decision... and fast. In the meantime, general contractors were at great risk as insurance carriers increasingly paid out on more tort liability claims against general contractors and subsequently passed the cost of those claims on to those general contractors as their loss history escalated.

Against this backdrop, The Graham Company took action. The firm's principals strongly believed the statutory employer doctrine should continue to operate as it always had — protecting employees of subcontractors who let their workers' compensation insurance lapse and protecting the general

contractors who stand in that secondary position to pay workers' compensation benefits to injured employees of uninsured subcontractors. As such, The Graham Company's principals felt a great responsibility to take action, and appeal the Patton case to the Pennsylvania Supreme Court, on behalf of its wrongfully impacted clients.

Mobilizing a Coalition

In July 2013, the brokerage filed an amicus (friend of the court) brief in the appeal of the Patton case to the Pennsylvania Supreme Court. To make the brief more powerful, The Graham Company organized a coalition of best-in-class general contractors and authoritative contractor associations to support the brief. The coalition was comprised of 21 contractors, including seven of which are longtime GBCA members:

1. Buckley & Company, Inc.
2. Duggan & Marcon, Inc.
3. L.F. Driscoll Company, LLC
4. Madison Concrete Construction
5. Meco Constructors, Inc.
6. Philadelphia D&M, Inc.
7. T.N. Ward Company

In addition to the 21 contractors who lent their name in support of the brief, the coalition included eight construction related associations, including the General Building Contractors Association, which contributed financially to the legal effort. Lawyers Stephen A. Serfass and Matthew I. Lewis of Drinker, Biddle & Reath, LLP collaborated with Richard H. Lowe of Duane Morris LLP to complete the important brief.

The brief stressed the impact that the Superior Court's decision had on both the construction industry and the insurance industry in Pennsylvania. If let stand, the decision would increase the liability of general contractors and thereby increase their costs, the cost of their insurance, and the overall cost of construction projects. Prudent general contractors would push that liability down to subcontractors by way of indemnification and insurance requirements. Ultimately, it was argued that the insurance industry would bear much of the cost and then increase premiums significantly as a result, or leave the market entirely.

Continuing the Battle

Oral argument was held in November 2013 before the Pennsylvania Supreme Court in the appeal of the Patton case. Legal counsel on behalf of Worthington Associates, Inc. (the general contractor) addressed the Statutory Employer Doctrine, not so much as a doctrine that favors contractors, but rather presenting it as a doctrine that favors employees who are injured

and have no other workers' compensation benefits available. It was clear from the outset that the Justices understood the issues from the general contractor's perspective. One Justice even commented that the Superior Court's position effectively nullified the Statutory Employer defense. Another commented that it was clear to him that Earl Patton, the injured plaintiff in this case, was an employee of a subcontractor. This was a crucial finding since Patton's entire argument before the Supreme Court was that Patton, Inc. was not a subcontractor, but rather that Earl Patton was an "independent contractor."

Breathing a Sigh of Relief

On March 26, 2014, the Pennsylvania Supreme Court reinstated the long-standing statutory employer defense for companies that hire subcontractors in its decision in *Patton vs. Worthington Associates*. The 7-0 decision confirmed that general contractors DO have immunity from suit as statutory employers under the Workers' Compensation Act — the same immunity that a direct employer has. The Graham Company, the coalition, and the amicus brief all played an important role in the Supreme Court's decision. The exhaustive effort and the significant outlay of legal fees it shouldered to overturn the Patton decision was ultimately worthwhile. The reversal will continue good law in the future for the application of the statutory employer defense in situations where general contractors who subcontract out a portion of the work, are sued by injured employees of a subcontractor.

Why the Final Opinion Matters to General Contractors

The Supreme Court reinstated immunity for general contractors who meet the McDonald test. That means if a general contractor gets sued by a subcontractor's injured employee, the general contractor should win the case, if not in a motion for summary judgment (a motion asking to be dismissed from the case when discovery is complete), then at trial. That also means fewer losses paid and lower insurance premiums.

Restoring Immunity... For Now

Thankfully, the reversal of *Patton vs. Worthington Associates* rightfully restores general contractors' immunity from suit as a statutory employer under the Workers' Compensation Act. The reversal confirms immunity still applies to a general contractor even if they do not pay the subcontractor's workers' compensation benefits. However, general contractors should take note that a concurring opinion was filed and it questioned why a general contractor would get immunity if the general contractor is not paying the workers' compensation benefits to the injured subcontractor employee. The concurring opinion encouraged the legislature to step in and change the statutory employer immunity to apply only where the general contractor is obligated to pay the subcontractor's workers' compensation benefits. This has generated a concern that a bill could be proposed to eliminate the statutory employer defense in situations where the general contractor did not pay for the subcontractor's workers' compensation benefits. If that happens, the coalition will need to mobilize again to ensure the immunity remains in place. **CT**

Thankfully, the reversal of *Patton vs. Worthington Associates* rightfully restores general contractors' immunity from suit as a statutory employer under the Workers' Compensation Act.

PA Supreme Court Holds that Union Workers are not “Subcontractors” and Cannot File Mechanics’ Lien Claims

GBCA’s Arguments Included in Ruling

By Richard H. Lowe, Duane Morris, with Meghan E. Claiborne, Duane Morris LLP

In *Bricklayers of Western Pennsylvania Combined Funds, Inc. v. Scott’s Development*, the court held that in respect to collective bargaining agreements between unions and contractors, union workers are not subcontractors, and therefore the trustees of the unions’ funds are not entitled to file a lien claim on the workers’ behalf under the Mechanics’ Lien Law of 1963, thereby preserving the mechanic’s liens as an extraordinary remedy.

In the *Bricklayers* case, a contractor entered into collective bargaining agreements with two unions under which the unions would provide bricklayers and/or laborers as needed by the contractor. Under the agreements, the contractor was referred to as “employer,” and the Union members “employees.” The agreements required the contractor to provide contributions for employee fringe benefits, including health and retirement, to union trust funds for each hour of labor performed by one of the union workers. The contractor was hired by the landowner to complete a construction project. The union workers performed the work as necessary, but the contractor failed to make the required benefit contributions to the funds. The funds’ trustees thereafter filed mechanics’ lien claims against the owner in the common pleas court pursuant to the Mechanics’ Lien Law of 1963, and attempted to enforce these liens. The owner objected to the liens, arguing that the trustees lacked standing to assert the mechanics’ lien claims because the union workers were employees under the agreements, not “contractors” or “subcontractors.”

The common pleas court agreed with the owner that the union workers did not fall within the definition of a “subcontractor” as defined by the Law in Section 201(5). The trustees appealed to the Superior Court, which consolidated and reversed the decisions.

The Superior Court liberally interpreted the meaning of “subcontractor,” rejecting previous intermediate court’s strict interpretation of the Law. While the Superior Court agreed with the lower court that agreements did not constitute subcontract agreements, it found an implied contract existed between the owner and the unions for the construction projects at issue. Thus, the court concluded unions were subcontractors under the Law and the trustees, as representatives of the union

members for purposes of collective bargaining, had legal standing to assert the mechanics’ liens. The owner appealed.

The Supreme Court reversed and found for the owner. In doing so, the Court once again relied heavily on General Building Contractors Association’s amicus brief and, for the second time, made direct reference to the brief in its opinion to explain the Superior Court’s interpretive errors.

GCBA argued that the Superior Court erred for two reasons: first, the court should not have applied tools of statutory construction to the Mechanics Lien Law, including a liberal construction, because the Law’s meaning is “clear and free from ambiguity and must be construed according to its plain and natural meaning.” Second, GCBA maintained that the Superior Court should have ended its analysis once it determined the trustees were not subcontractors, and therefore fell outside the scope of the Law.

The Court not only adopted both arguments, but most importantly, it applied GCBA’s interpretation of the earlier mechanics’ lien statute and versions of the State Constitution, and, in dealing with these complicated issues, relied upon arguments carefully constructed in GCBA’s briefs. In doing so, the Court rejected the Superior Court’s liberal interpretation and upheld jurisprudence dating back to the 1800s limiting the application of the mechanic’s lien law.

The Court, in finding that the Union workers were not subcontractors, held in sum:

[a]lthough the legislative body has thus chosen to permit a property owner to be held responsible to ensure that subcontractors are paid, construing the class of claimants to include all of a contractor’s employees would force private property owners to become guarantors of contractors’ general employment obligations and create an entirely new class of “subcontractors,” thus exposing the subject property to significantly increased liability.

GCBA’s efforts led to a decision that reinforces over a century of jurisprudence that a mechanic’s liens is an extraordinary remedy, and not meant to be used by Union Funds in a manner that would disrupt the status quo and create excessive liability on the part of the property owner by encompassing every employee of a contractor. **CT**

¹¹ Nos. 36 WAP 2012, 37 WAP 2012, 2014 WL 1499144 (Pa. Apr. 17, 2014)

¹² Act of August 24, 1963, P.L. 1175, No. 467, as amended, 49 P.S. §§ 1101-1902.

¹³ *Id.*



The View at Montgomery

Located in the heart of Philadelphia, Temple University offers students the opportunity to experience one of the most historic cities in the United States during their college years. To accommodate an increasing student population, a new student housing project, The View at Montgomery, is nearing completion. Developed by The Goldenberg Group and designed by Philadelphia-based architecture firm Wallace Roberts and Todd (WRT), the \$100 million project is set for students to move in for the fall 2014 school semester. GBCA Member Torcon, Inc., working closely with Malvern-based CM Constructure Management, is proud to have been selected to oversee all pre-planning, advisory, and construction services for the innovative apartment building, which promises to be a vibrant hub of activity on campus.

Developed by The Goldenberg Group in collaboration with local Bright Hope Baptist Church, The View at Montgomery will provide an additional 832 beds for Temple students with amazing, unobstructed city views. Offering various living arrangements such as studios, two-, three-, and four-bedroom student housing suites, the 14-story, 313,000-square-foot residential building is complete with amenities such as 11,000 square feet of retail space, state-of-the-art fitness center, convenient laundry facilities, and a top floor residents' sky lounge.

With a 24/7 front desk attendant, private study rooms, gated vehicle parking, ample bicycle storage, and an outdoor plaza, the apartments offer students every luxury imaginable while providing a perfect sanctuary for academic studies.

Construction of The View at Montgomery completes the first phase of a four-building master plan to develop the former site of the John Wanamaker Middle School near 12th Street and Cecil B. Moore Avenue in North Philadelphia. This marks the third large-scale project to add housing for students on or near campus in the past few years and will make the number of new beds specifically for on-campus students exceed 2,000.

The View at Montgomery switched hands from the construction team to the development team on May 23, 2014 so the building could be outfitted with furniture, fixtures, and equipment. The new student housing project will not only provide additional space for Temple students to sleep, but will also allow Temple to continue to expand its community. With leasing already well underway, the project is certainly catching the attention of Temple students looking for the best housing the campus has to offer.

Torcon, in addition to the entire project team, was committed to the use of sustainable design and construction practices on the project. The View at Montgomery is targeting Silver-level certification in accordance with the Leadership in Energy and Environmental Design (LEED) Green Building and Rating System established by the U.S. Green Building Council. Building management, working closely with occupants, will also kickoff an ongoing recycling program.

About Torcon Philadelphia

Since establishing an office at the Navy Yard in 2006, Torcon Philadelphia has been responsible for over 3.5 million square feet of completed projects exceeding \$800 million in construction costs. Torcon specializes in technically complex facilities with critical quality and operational standards. CT

Tague Lumber Opens its 6th Location in Kennett Square, Pa.

Tague Lumber Inc., announces that their newest location at 475 McFarlan Road (formerly Danby Lumber) in Kennett Square is officially open for business. The innovative retail facility features state-of-the-art, drive-through warehouses ready to serve builders, remodelers and homeowners.

Tague's steady expansion is a testament to their longevity and commitment to the local communities. "Since its founding in 1908, Tague Lumber has been firmly rooted in Philadelphia and the surrounding counties," said Vince Tague Jr., President of Tague Lumber. "We are dedicated to serving the needs of professional contractors and builders and are excited to offer that level of support to the residents of Kennett Square."

The Kennett Square location will include thousands of residential and commercial building materials and Tague's innovative drive-through warehouse offers convenient selection and pickup. Inventory features a vast array of lumber and building materials including: engineered lumber, windows and doors, drywall, mouldings, millwork, and hand and power tools, plus mushroom house supplies to support the local Kennett Square mushroom growers. For jobsite deliveries, Tague offers a fleet of vehicles including boom trucks, moffett trucks, flat bed, curtain side, box trucks and service vans that service the tri-state area and beyond.

Tague Lumber is a family-owned Building Materials Distributor with more than 106 years of dedicated service to Philadelphia and surrounding counties. Tague Lumber is a leading supplier of quality lumber, windows & doors, moulding & millwork, and building materials serving industry professionals, builder, contractors, remodelers and homeowners. The company now has a total of six locations including lumberyards in Germantown, Media and Phoenixville, a 10,000-square-foot Design Showroom in Malvern, and Premier Door Frame & Hardware, their commercial division, in Northeast Philadelphia. More information on Tague Lumber can be found at www.taguelumber.com, or call 1-800-66-TAGUE.

Tague Lumber's Kennett Square location is now open Monday — Friday from 7:00 a.m. until 4:30 p.m. daily.

*For more information on Tague Lumber's new Kennett Square location, contact the General Manager, Matt Potter, at 610-444-1200. **CT***



Now open for business — Tague's newest lumberyard features innovative drive-through lumber and building materials warehouses.

B. Christopher Lee Inducted into the National Academy of Distinguished Neutrals



B. Christopher Lee, shareholder at the Philadelphia law firm of Jacoby Donner P.C., has been inducted into the National Academy of Distinguished Neutrals. Membership is by invitation only and limited to attorney mediators and arbitrators who are distinguished by their hands-on experience in the field of civil and commercial conflict resolution and by their commitment to the practice of alternative dispute resolution.

Lee has been selected by his peers since 2006 for inclusion in *Best Lawyers of America*® 2013 (Woodward/White, Inc., of Aiken, SC) in the field of construction law.

He is certified by the International Mediation Institute. In addition to his neutral work as a mediator and arbitrator, Lee continues an active advocacy practice representing clients in complex commercial and construction disputes.

Jacoby Donner P.C. is a boutique law firm known nationally for its construction law practice. The firm has been serving the legal needs of the construction community on the east coast for more than 80 years and has offices in Philadelphia and New Jersey. **CT**

Butz Family of Companies ranks among Top 400 contractors in 2014

The Butz Family of Companies, consisting of Alexander Building Construction Co., Alvin H. Butz, Inc. and Shoemaker Construction Co., earned an improved ranking on *Engineering News-Record's* (ENR) list of the Top 400 Contractors in 2014. This year, the firm ranked #209, besting last year's ranking of #270. It is the third straight year in which the parent company has improved its ranking and remains the only firm headquartered in the Lehigh Valley to ever be ranked.

The construction management entity enjoyed a 42 percent increase in total revenue from 2012, marking this as the fourth year they have enjoyed such an increase.

"Through building strong relationships with repeat clients and committing ourselves to delivering superior construction management services, The Butz Family of Companies has proven resilient despite recent economic struggles," says Greg L. Butz, President and CEO of the Butz Family of Companies.

ENR uses construction revenue from the previous year as its primary grading criteria, making the Top 400 list a showcase of only the best and most profitable construction management and general contracting firms.

In 2013, the Butz Family of Companies oversaw more than 45 construction projects, including:

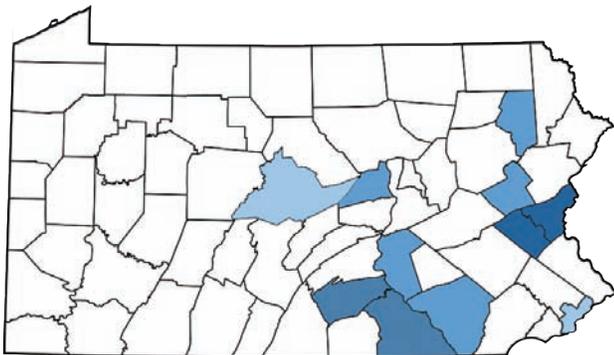
- PPL Center
- Philadelphia Zoo — Parking Garage

- Mount Nittany Medical Center — Emergency Department Expansion and Renovation
- Allentown School District — William Penn School
- Lancaster General Hospital — Chester County Medical Office Building
- Geisinger Health System — Gray's Woods Surgery Center & Parking Deck Phase II

Alvin H. Butz, Inc., is currently managing the construction of the PPL Center, which will be completed in fall of this year. They are also managing two additional projects for Geisinger Health System: a new lab facility and an expansion to their Community Medical Center, as well as renovations for Parkland School District, among other projects.

Alexander Building Construction Co. is currently overseeing multiple projects, including the expansion of Mount Nittany Medical Center's Perioperative Services, an upgrade to Penn State University's Beaver Stadium scoreboards, and an expansion to York Hospital's Emergency Department.

Shoemaker Construction Co. is also hard at work on numerous projects, including renovations to Amtrak's 30th Street Station while also overseeing the construction of a new parking garage for Temple University Hospital. **CT**



10+
 5-9
 2-4
 1

The map above shows the counties in which The Butz Family of Companies managed projects in 2013.

COMING THIS FALL

JOIN GBCA ON OCTOBER 1 FOR A MEMBERSHIP DINNER MEETING featuring former National Labor Relations Board Chairman Robert Battista, Esq. *Location to be announced soon.*

Union Iron Workers of Local 401

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AUGUST 20

Eggs with OSHA
Fee:Members: \$40
Non-Members: \$60
7:30 – 10:00 a.m.
Location: Loews Philadelphia
Washington Room

SEPTEMBER 4

**Preventing and Correcting
Harassment and Other
Unacceptable Conduct**
8:30 – 10:30 a.m.
Fee:Member: \$35
Non-Member: \$50
Location: GBCA Headquarters

SEPTEMBER 11

**Maximizing Best Practices
in Business Development for
the Construction Industry**
10:00 – 11:00 a.m.
Fee:Member: \$0
Non-Member: \$25
Location: GBCA Headquarters

OCTOBER 16

**Modular Construction
Practices**
8:30 – 10:30 a.m.
Fee:Member: \$35
Non-Member: \$50
Location: GBCA Headquarters

OCTOBER 21

**Demolition Standards
and Practices**
7:30 – 10:00 a.m.
Fee: Member: \$50
Non-Member: \$65
Location: TBD

OCTOBER 30

**2014 Construction
Excellence Awards**
5:00 – 7:00 p.m.
Fee: \$75 per person
Location: Hamilton Garden
at The Kimmel Center for
Performing Arts

NOVEMBER 6

**Eliminating Barriers to
Successful Projects**
8:30 – 12:00 p.m.
Fee:Member: \$75
Non-Member: \$100
Location: GBCA Headquarters

NOVEMBER 13

Assertive Project Leadership
8:30 – 12:00 p.m.
Fee:Member: \$75
Non-Member: \$100
Location: GBCA Headquarters



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SEE OUR AD ON PAGE 39.

LECET, The Laborer's - Employer's Cooperation and Education Trust and The Laborer's District Council of Metropolitan Philadelphia & Vicinity.
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