Are your sales cycles long and complex? Do you have a dedicated sales team, is it you or whomever answers the phone? Do you need to hire a new project manager and not sure where they are? If I could show you just one tool that will help you with both, would you be interested?

Marketing and sales are changing fast. CRMs, marketing automation software and social media have turned the marketing world around. Content, digital influence, data and lead nurturing are not just buzzwords. They are your tools. Just as you would determine if you need a shovel or a backhoe based on the size of the job, you do the same with marketing tools.

One of the fundamentals of sales is finding the right person to talk with. You have a good chance of finding that person in LinkedIn. You might know nothing more than a title or a keywords, no worries, start there. Add more details like company, location and search. Then look among your 2nd, 3rd level connections and Groups. Now you're getting somewhere.

Today, social selling is a key component of creating conversations, finding points of entry and closing business. It’s finding prospects on their terms, not yours.

First, let’s define social selling. Koka Sexton, LinkedIn’s Global Senior Social Marketing Manager describes social selling in his blog post “The Rise of Social Selling” as, “leveraging your professional brand to fill your pipeline with the right people, insights and relationships.” To our point, it’s less about social media and all about you.

Studies show that 84% of complex B2B deals start with an introduction of vendor to purchaser*. That’s an example of social selling. Someone (prospect) needs something

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LinkedIn: The Link For Sales And Recruiting

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Crisis Management Planning
From Top To Bottom

For anyone charged with developing an emergency response plan, there is no shortage of information and guidance available on the Internet. In fact, the wealth of confusing and often conflicting information can leave one with as many questions as answers. There is no perfect template or plan that fits all organizations and scenarios. The best approach (and, likely, the only truly successful approach) is to assess your organization’s unique operations, projects and people to determine the best means for prevention and recovery from both natural and manmade disasters.

The type of crisis and the impact it may have on your organization will dictate the response you choose. Some natural disasters, such as hurricanes, provide ample warning before the crisis strikes. Additionally, many natural disasters will have a widespread impact and affect resources, emergency services, communication, and infrastructure beyond your immediate community. Effective emergency plans should include a separate addendum for specific response procedures based on each of the possible crises that could impact your organization. Some possible crises to consider and plan for include weather-related events (windstorm, flood, blizzard), other natural disasters (earthquake, landslide, sinkhole), workplace violence, severe accident on the job site, and other emergencies such as a hazardous material spills, loss of utilities, fire, and/or structural collapse.

All good plans start with an assessment of potential crises and the categorization of these into response levels. As a determination is made on how your firm will be impacted by each potential crisis to the people, property, site and business operations of the organization, assign a probability and severity factor. This will help prioritize time and energy and will guide you in identifying which part of the plan needs further development. For example, crises with greater impact scores for people would result in a planning that focuses on site safety and the resources necessary to protect and preserve lives.

Another familiar method used is the “SWOT” analysis which identifies strengths, weaknesses, opportunities and threats for potential crisis situations. In addition to the crisis identification and prioritization, the process can be utilized to evaluate the internal and external responses for each type of crises to help assess the adequacy of the response(s).

Other aspects of emergency planning include the following:

Written Policy Statement: The goals of the organization’s Emergency Plan and Crisis Management Program should be clearly defined and communicated in a formal policy statement. All other actions, roles, responsibilities and responses should flow from the goals or objectives outlined in the policy statement. This policy should be endorsed at the highest level of the organization.

Roles, Responsibilities and Chain of Command for Emergency Response: Once the policy statement has been developed, the roles and responsibilities of the members of the internal response team and external response team need to be developed and communicated to all parties. A clear chain of command for each type of emergency response should be established and communicated in the plan. Emergency Coordinator(s), Emergency Management Team members and alternates/substitutes need to be considered and all employees, volunteers and others likely to be impacted by the crisis should have access to the plan.

Damage/ Loss Mitigation Procedures: Based on the hazard and vulnerability assessment process, the response procedures for each aspect of the organization under each potential crisis shall be outlined. Structured protocols for handling and responding to various events increase the confidence and abilities for each response. Other benefits include maximum site safety and security and lower down time due to strong business continuity.

Continued On Page 18
Making Maryland Magnificent

Help fund Habitat for Humanity in our community by donating items and shopping at Habitat ReStore. Your tax deductible donations help build affordable homes for those in need as we work toward our mission to eliminate substandard housing in Maryland. Anyone can donate their new or gently used items and shop at the ReStore. Donations may be dropped off during regular store hours, with pick-up services available for items too large to transport.

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www.ChesapeakeReStore.org
4 Ways To Build An Active Business Budget

Business owners recognize the importance of having a budget, but the key is to have one that can easily be modified throughout the year. In the simplest form, creating a budget will provide a guideline for expected income and expenses, enabling you to compare your anticipated financial goals with the actual numbers.

Below are four suggestions on how to take your budget beyond the basics and help you run a successful business throughout the year.

- **Review the budget on a monthly basis**
  
  Often business owners draft their budgets at the beginning of the year and then review quarterly – at best. Updating the budget with the prior month's performance and reviewing it, is a good way to stay on top of trends and see where adjustments need to be made to improve your business.

- **Implement positive changes**
  
  After assessing your budget each month, make any changes you feel will positively improve the business. Track the changes made to weigh cost verse benefit. From there you will be able to gauge how these changes have affected your income and determine whether you’re receiving a positive return.

- **React to unexpected events**
  
  Your budget is not set in stone and should be flexible to accommodate unexpected events. See how these events affect your income and adjust your budget accordingly. For example, suppose you lose your biggest client. Evaluate your budget and determine how this affects your cash flow and adjust your budget accordingly.

- **Use employee incentives**
  
  A good way to get everyone on board with a monthly budget review is to reward those who have affected it favorably. This is best to initiate at the beginning of the year when you are calculating your projections. For example, you may want to establish a reward for keeping expenses low in a particular department or exceeding profit goals on a specific project.

Having a sound budget is no guarantee of business success, but it does improve planning and responsiveness for the year. Making these budget adjustments throughout the year, could greatly improve the success of your company and relieve end-of-year stress.

Lauren Rebbel  
Certified Financial Planner™  
The Prosperity Consulting Group, LLC  
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<thead>
<tr>
<th>Advertising</th>
<th>Business Services</th>
<th>Charities</th>
<th>Computer Equipment</th>
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<tr>
<td>Construction</td>
<td>Corporate Gifts</td>
<td>Education</td>
<td>Industrial Supplies</td>
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<tr>
<td>Office Supplies</td>
<td>Shipping</td>
<td>Telecom</td>
<td>Temporary Labor</td>
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¹ The Corporate Membership Rewards program is for eligible Commercial Card Clients. Terms, conditions and restrictions apply; for a copy or for more details, call 1-800-960-8664.
² Actual float time will vary based on the date of charge, the billing cycle cut-off date and the payment date.
³ The number of checks cut will be reduced based on converting suppliers to card payments.
⁴ For more information on this effective and efficient member benefit, contact VON’s Verna Regler at 443-982-7329 or at verna@mmdconstrucitonnet.net.
Cold Weather Safety Tips

Summer has come to an end and fall is upon us. The weather is changing all the time and the cold winter months are right around the corner. When it's cold outside we still have to work and get the job done. There are several things we can do to keep warm and prevent cold weather emergencies.

The first thing we want to do is to keep our body temperature at normal levels. The body should be about 98.6°F. This will best be accomplished by wearing layers of clothing both inside and outdoors. Wear cotton or lightweight wool next to the skin; wool layers should be worn over your underwear. Keep dry by having proper rain gear available and a pair of good, waterproof boots. An extra pair of clean, dry socks can really come in handy. Don’t forget to protect your neck and ears; you can lose a lot of heat from these two areas, and a good pair of gloves is essential. With lower temperatures and increase wind speeds, cold stress on the body can occur and be very dangerous.

Common Types of Cold Stress

Hypothermia

- Normal body temperature (98.6°F) drops to 95°F or less.
- Mild Symptoms: alert but shivering.
- Moderate to Severe Symptoms: shivering stops; confusion; slurred speech; heart rate/breathing slow; loss of consciousness; death.

Frostbite

- Body tissues freeze, e.g., hands and feet. Can occur at temperatures above freezing, due to wind chill. May result in amputation.
- Symptoms: numbness, reddened skin develops gray/white patches, feels firm/hard, and may blister.

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any business owners, including those in the construction industry, have noticed that their classification of workers is being closely scrutinized by a variety of federal and state regulatory agencies. There is no indication that this trend will slow any time soon. In fact, it was recently announced that the U.S. Department of Labor is awarding $10.2 million dollars to 19 states to fund crack down efforts on businesses that intentionally or unwittingly fail to make unemployment contributions for individuals misclassified as independent contractors. Maryland is part of the group slated to receive part of the award and is also part of a group of only four states to receive “high-performance bonuses” totaling over $2 million. These funds were granted, according to Labor Secretary Thomas Perez, “due to their high performance or most improved performance in detecting incidents of worker misclassification.”

Whether a worker is classified as an “employee” as opposed to an “independent contractor” or an “exempt” employee as opposed to a “nonexempt” employee can have a significant impact on an employer’s bottom line. Generally, an employer must withhold income taxes and withhold and pay Social Security and Medicare taxes, as well as unemployment tax on wages paid to an employee, but does not need to withhold or pay any taxes on payments to independent contractors. An employer does not have to pay overtime to an exempt worker, but does have to pay overtime to a nonexempt worker. While classification of a worker as an independent contractor and an exempt worker can save an employer a significant amount of money, misclassification of a worker can cost the state and federal government a significant loss of revenue. At a time when every tax dollar counts, the IRS and other state and federal agencies are launching initiatives aimed at business owners to stop and correct misclassification. Along with back taxes that will be owed, the penalties can also be severe.

In addition to the state and federal agencies, workers who have been misclassified are also going after business owners. These workers, when misclassified, often suffer lost wages because employers do not have to pay overtime and benefits to independent contractors or exempt workers. Their claims, which are termed “wage theft” claims and are attractive to many attorneys because of potential awards of attorneys’ fees and treble damages, are popping up in significant numbers.

**What should you do if you are a business owner?** A good start includes looking at the factors that are used by relevant agencies to determine whether a worker is an employee or an independent contractor, or exempt or nonexempt.

### Employee vs. Independent Contractor

The U.S. Department of Labor has indicated that the following factors should be considered when determining whether a worker is an employee or an independent contractor:

1. The extent to which the services rendered are an integral part of the principal's business.
2. The permanency of the relationship.
3. The amount of the alleged contractor's investment in facilities and equipment.
4. The nature and degree of control by the principal.
5. The alleged contractor's opportunities for profit and loss.
6. The amount of initiative, judgment, or foresight in open market competition with others required for the success of the claimed independent contractor.
7. The degree of independent business organization and operation.

Conversely, there are certain factors which are immaterial in determining whether there is an employment relationship. Such facts as the place where work is performed, the time or mode of pay, the absence
Engineer’s Corner

NTU is Not a University

With the recent public signing of the newest Chesapeake Bay Agreement, the flurry of evolving current stormwater management criteria along with (Acronym Warning) Chesapeake Bay Total Maximum Daily Load (TMDL) offsets associated with Watershed Implementation Plan (WIP) goals, NPDES MS4 and General Construction Permit (GCP) requirements, and Erosion and Sediment (E/S) control criteria reminder the industry to be proactive in knowing how this affects what we do on the ground.

Among the many Bay issues, recent efforts to further examine construction industry impacts continue to reconsider numerical field measurements of stormwater runoff pollutants in receiving waters along with potential flocculent application as a specific means of compliance. Originally considered and withdrawn in 2009 by the U. S. EPA’s Effluent Limitation Guidelines (ELG), sediment standards were deliberated again into 2014. Any such standard would be utilized in federal GCPs as well as have passed through to the delegated States’ GCP criteria along with possible flocculent treatment provisions for edge-of-site runoff measurement that would rely on potential Nephelometric Turbidity Units (NTU) measurement as the keystone indicator of E/S compliance.

The U. S. EPA recently decided to again defer turbidity measurement standards in lieu of continued BMP emphasis for the moment, but as recently as this year, the multi-state Chesapeake Bay Program (Program) Urban Stormwater Group Expert Panel (Panel) has focused heavily behind the scenes on construction site E/S plan compliance. Andrew T. Der & Associates, LLC, an appointed member of the Bay Program’s Citizen’s Advisory Committee (CAC) to the Chesapeake Executive Council, has proactively commented on the degree such sector strategies may or may not be practicable (the Executive Council is composed of the EPA Administrator, the Mayor of the District of Columbia and the Governors of Virginia, Pennsylvania, and Maryland, and the Chairperson of the Chesapeake Bay Commission).

Among other factors, the Panel made numerous specific recommendations to fortify E/S plans beyond current criteria in this regard, including the potential for flocculent application, despite the Bay Program’s own data showing that new construction provides only a minute fraction of the muddy water in the Bay. One point of contention is that no excess nutrient reduction credit is to be realized from E/S state compliance. Considering pre-existing property use can already be an unmanaged pollutant source and re-development might actually provide a net gain in water quality given the stacked benefits of the many water quality and stormwater regulations in place today, not accounting for this factor can render a significant degree of unreliability to some of stormwater management and Chesapeake Bay Watershed modeling assumptions.

What may be lost in the shuffle is that these are suggestions or recommendations for state consideration and, as long as a TMDL pollutant allocation is met by sector, a state is free to find reductions where and how it deems appropriate. Concurrently, the U. S. EPA will continue to explore mandatory initiatives and rule-making, as opposed to recommendations, to consider including flocculants and NTU compliance in its NPDES MS4 via the GCP in the future and will need the industry’s partnership.

These issues of technical deliberation in a political atmosphere along with the U.S. EPA’s previous 2009, and current 2014, withdrawal of its ELG and associated turbidity criteria, continues to show the dynamic changes of regulatory compliance associated with construction and stormwater, and the decision to not (yet?) implement sediment compliance measurements and flocculent treatment is scientifically appropriate and equitable.

Segue to Maryland where the current renewal of its NPDES GCP remains in abeyance while still allowing last year’s GCP, by administrative declaration, to remain in effect for coverage. The delay is due to continued items of deliberation that are important to clarify and make

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Why Can’t We Use Power Strips On The Job Site?

Several times every day as I go from job site to job site, no matter what part of the country I am in, I get asked this question, “Why can’t we use power strips on the job site?” To be very honest, the question gets asked only when I inform the worker or the supervisor that it has to be removed from the job site. What are we actually dealing with? At times when questions arise in reference to what is allowed or how something can be properly used, a company will write a letter to OSHA for their professional interpretation. This topic was addressed in a Letter of Interpretation several years ago. It and many other Letters of Interpretation are available to the general public at www.osha.gov. In this letter we find the following:

“Power strips” (as they are most commonly referred to) “Surge/Spike Protectors” or “Portable Outlets,” typically consist of several components, such as multiple electrical receptacles, on/off power switch, circuit breaker, and a grounded flexible power cord. One nationally recognized testing laboratory, Underwriters Laboratories (UL), refers to power strips as Relocatable Power Taps (RPTs) and, in its “General Information for Electrical Equipment Directory” (sometimes called the UL white book or UL Directory), describes RPTs as “relocatable multiple outlet extensions of a branch circuit to supply laboratory equipment, home workshops, home movie lighting controls, musical instrumentation, and to provide outlet receptacles for computers, audio and video equipment and other equipment.” Power strips may contain other electronic components intended to provide electrical noise filtering or surge protection. UL defines and lists such devices in UL 1283, Standard for Electromagnetic Interference Filters and UL 1449, Transient Voltage Surge Suppressors (TVSS); TVSSs are dual-listed by UL and meet the requirements of UL 1363, Relocatable Power Taps. Now this is how Underwriter’s Laboratory addresses this piece of equipment. When you look at the uses provided above, “construction sites” are not listed.

Let’s look a little deeper into both the UL and OSHA standards. OSHA's standard at 29 CFR §1910.303(b)(2), Installation and use, requires that “Listed or labeled equipment shall be installed and used in accordance with any instructions included in the listing or labeling.” Manufacturers and nationally recognized testing laboratories determine the proper uses for power strips. For example, the UL Directory contains instructions that require UL-listed RPTs to be directly connected to a permanently installed branch circuit receptacle; they are not to be series-connected to other RPTs or connected to extension cords. **UL also specifies** that RPTs are **not intended** for use at construction sites and similar locations.

Power strips are designed for use with a number of low-powered loads, such as computers, peripherals, or audio/video components. Power loads are addressed by 29 CFR §1910.304(b), Outlet devices: “Outlet devices shall have an ampere rating not less than the load to be served.” Power strips are not designed for high power loads such as space heaters, refrigerators and microwave ovens, which can easily exceed the recommended ampere ratings on many power strips. *(I would also include grinders, circular saws, heavy duty drills and various other heavy duty power tools.)* They must also meet the requirements of §1910.305(g)(1), Use of flexible cords and cables. For example, the flexible power cord is not to be routed through walls, windows, ceilings, floors, or similar openings.

Both OSHA and UL have been very clear on restricting the use of “power strips”. Today with flexible power cord manufacturers you are able to buy extension cords with a 3-way female end as well as a short 18” single to 3-way extension to plug onto the end of a regular extension cord. I know most of the “power strips” are far less expensive but we are obligated to understand and know the limits and restrictions of any piece of equipment we decide to use on our job sites.

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New Guidance Addresses Certain Leasing Arrangements

Does your construction company follow Generally Accepted Accounting Principles (GAAP)? Have you formed a separate entity to buy equipment and lease it back to your business? Or have you formed an entity to buy facilities (such as your headquarters or a warehouse) to then lease back to you? If so, an important development this past March related to variable interest entities (VIEs) may affect your financial reporting.

The Financial Accounting Standards Board (FASB) issued new guidance that permits private companies following GAAP to, in some circumstances, elect not to consolidate the financial reporting from VIEs that lease property to them. The guidance is explained in Accounting Standards Update (ASU) No. 2014-07, Consolidation (Topic 810): Applying Variable Interest Entities Guidance to Common Control Leasing Arrangements.

Is it a VIE?

GAAP rules state that, generally, a business must consolidate the financial reporting from an entity in which it has a controlling financial interest. One traditional way of identifying whether control exists is the voting interest model, under which the parent company simply owns a majority voting interest in the entity.

But there is another way: the VIE model. Here a company is deemed to have a controlling financial interest in an entity when it has:

- The power to direct the activities that most significantly affect the entity’s economic performance, and
- The obligation to absorb losses, or the right to receive benefits, of the entity that could potentially be significant to the entity.

To establish whether the VIE model is applicable, a company must determine whether it has a variable interest in the entity and, if so, whether that entity is indeed a VIE. If the business has contractual, ownership or other financial interests in an entity that directly absorb or receive said entity’s variability, an explicit variable interest typically exists. Then again, if the company absorbs or receives an entity’s variability indirectly, it may be an implicit variable interest. The variable interest in a VIE can be either explicit or implicit.

If a variable interest in the entity does exist, the question becomes: Is it a VIE? To answer in the affirmative, one must generally be looking at a corporation, partnership or other legal structure used for business purposes that either: 1) doesn’t have equity investors with voting rights, or 2) has equity investors that don’t provide adequate financial resources to support the entity’s activities.

What’s the problem?

As mentioned, the new guidance addresses leasing arrangements. Previously established GAAP guidance required the lessee to determine whether it holds a variable interest in the lessor.

For example, one confirming factor might be if a lessee guarantees the lessor’s debt. If a variable interest does exist, and the lessor is a VIE, the lessee must then establish whether it holds a controlling financial interest in the lessor under the VIE model. Should the two entities be under common control, the lessee will generally have to consolidate the lessor’s financial reporting with its own.

The problem is that most users of private company financial statements dismiss consolidation of lessors under common control as irrelevant. Plus, consolidation distorts the lessee’s financial statements — so much so that some users ask for consolidating schedules that enable them to reverse the effects of consolidation.

How can you qualify?

The new guidance seeks to mitigate some of these issues by allowing a private company to elect an alternative not to apply the previously established GAAP VIE guidance to a lessor. To use the alternative, three circumstances

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Meet & Greet

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➢ Johns Hopkins - Nelson Harvey Renovation
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➢ Annapolis Area Christian School

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Understanding The Young Work Force

It was a month ago. I was seated in a room of business owners and consultants. It was said by one of the consultants who is very well respected and specializes in consulting with sales managers and salespersons. The statement went something like this:

“I just picked up a client and I am not the least bit excited about the assignment that has been presented. It calls for me to help them hire, train, and develop a young sales staff that will be made up of individuals between 22 and 30 years of age. I am really not looking forward to dealing with these kids who are self entitled, lazy, coddled, only care about themselves, and cannot take critical feedback.”

While I could not believe my ears, it had become clear to me based on the reaction of those in the room; the consultant was not alone in his feelings about the millennial work force (those born between 1980 and 1996).

I am an owner of a business and work with many different types of organizations and their owners. One substantial risk that all businesses face is the ability to attract and retain young talent, which can ultimately lead to business perpetuation problems down the road. A significant factor contributing to the dilemma is the pre-conceived opinion of millennials articulated by the sales consultant in my example. He is not the only one who shares this opinion. I hear similar statements made by many people in some shape or form. These generalizations are a real problem.

The response to this problem from those who have committed to attracting and retaining young talent is to take the time to understand what makes this generation of employee tick. It is true they are not like the Baby Boomers and Gen Xers and cannot be motivated in the same way. They need something different. Here are a few things to keep in mind when working with millennials.

1. It motivates them to participate in work that is meaningful to the organization. It is important for them to understand why the work they are doing is important and how it creates a positive outcome for the business. They do not respond well to directives like, “because that is how we do it”, without further explanation as to why it is important.

2. Millennials like to work in teams. Some of them have gone through school, sports, and most of their lives working in teams. They like to collaborate. It is important that you do not leave them on an island. They are the generation that put the “Social” in Social Media.

3. They do not respect authority because of a title. You have to earn their respect. This is done by taking the time to get to know them outside of work, showing them you are interested in both their business and personal goals, and providing them with support when others count them out.

There is much more to understand about working with this generation. This article only scratches the surface. My thoughts and perspectives come from research and experience which I am happy to share with you. Consolidated Insurance Center, Inc (CIC) has 40 employees and 14 of them are millennials. They represent 35% of our staff. Our organization, like yours, relies on their success to help us accomplish our goals and objectives. This is not an area of your business you can afford to ignore.

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3 Most Often Missed Tax Credits And Incentives For Construction Contractors

Are You Taking Advantage of All Available Federal and Maryland Tax Credits?

Many construction contractors overlook federal and Maryland credits that could generate substantial tax savings.

Credits vs. Deductions

Let's make one important distinction before looking at some of the most attractive tax credits.

Tax credits are not deductions. They’re dollar-for-dollar reductions on taxes owed by a contractor.

1. The R&D Tax Credit – Federal and Maryland

One federal tax credit that is commonly missed by contractors is the IRC Section 41 Research and Experimentation Tax Credit, better known as the R&D Tax Credit.

Most contractors miss the R&D Tax Credit either because they don’t know about it, or do not believe it applies to them.

The R&D Tax Credit includes more than research. It also includes the development of new processes, techniques, formulas and design of new projects. A contractor that begins to use a new process to improve the way they do things may qualify for the tax credit. The R&D Tax Credit is a dollar-for-dollar reduction in tax liability that can be carried forward up to 20 years.

For contractors that qualify for the IRC Section 41 R&D Tax Credit, there is also a credit against regular Maryland tax for businesses that incur qualified research expenses within the state.

The total amount of credits depends on the amount of eligible expenses incurred, with a limit of $6 million for all Maryland businesses that apply. To claim the credit, a contractor must submit an application to the Department of Business and Economic Development by September 15 of the year following the taxable year in which the expenses were incurred. If the Maryland R&D Tax Credit exceeds the tax imposed for that year, the credit may be carried forward up to seven years.

2. Maryland Credit Allowed for Enterprise Zones

Maryland contractors located in economically distressed communities throughout the state are eligible for local property tax credits and state income tax credits under the Maryland Enterprise Zone Program.

To qualify, contractors need to determine if they are located in one of the 28 eligible enterprise zones, or two focus areas. Contractors located in enterprise zones can claim a ten-year credit against local real property taxes on a portion of real property improvements. The credit is 80 percent of the assessment increase during the first five years. The credit decreases 10 percent annually thereafter to 30 percent in the tenth year.

Along with the real property tax credit, Maryland contractors located in an enterprise zone may claim a one-year or three-year credits for wages paid to new employees in new positions. The general credit is a one-time $1,000 credit per new worker. For economically disadvantaged employees, the credit increases to a total of $6,000 per worker.

3. Maryland Energy Systems and Devices

In 2014, the Maryland Energy Administration replaced the solar and energy grant regulations with the Clean Energy Grant Program.

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Connect to the Local Construction Industry!
Efficient Utilization Of U.S. Ports In Industrial Real Estate

At this time, West Coast ports are among the highest demand due to their proximity to Asia as well as their ability to accommodate large cargo ships (Long Beach, CA, in particular). Forty percent of all U.S imports enter through Long Beach/LA. This port-specific demand is causing congestion, which leads to time delays and increases in port fees. Such cost increases include rental fees for containers awaiting their next mode of transportation. Concurrently, time of day and the number of days it takes to unload a ship can also elevate costs. The high demand for West Coast ports pushes the cost increases significantly as upping such fees incentivizes a faster transfer in order to allow port access for other ships.

The recent decision to construct a third Panama Canal to accommodate larger ships will provide a more cost-effective method of shipping from Asia to the East Coast. However, time is still a concern, as intermodal options from West Coast ports (rail, trucks, etc.) are considerably faster than utilizing the new canal to access the East Coast directly.

Expanding the Panama Canal will increase the 4,000 - 5,000 Twenty-Foot-Container maximum capacity to 8,000 - 13,000 Containers for the new ships. The increase in container capacity will lower the cost per container leading to a more cost-effective shipping route to East Coast Ports.

Companies must analyze the cost of shipping to each port plus the cost of any other mode of transportation needed in order
Continued From Previous Page

to reach their final destination. A geographical strategy called a Transportation Cost Equivalence Line can be used to determine whether East or West Coast Port entry is least expensive. If the final destination for the cargo is west of the line, shipments will be imported through the West Coast.

Currently, the placement of this Transportation Cost Equivalence Line shows that the majority of the U.S. is most cost effectively serviced by West Coast importing. Nonetheless, it is estimated that with the expansion of the Panama Canal, this line will shift further west, making East Coast Ports a less expensive option for a greater geographical area.

The Logistics of moving cargo overseas is a more in depth process than meets the eye. Companies must be strategic in the way they route their goods to the U.S. As transportation costs are the biggest influencer, sometimes the fastest route must take the backseat. High demand for West Coast ports is causing congestion and increasing fees which is what companies are trying to avoid in the first place. With the expansion of the Panama Canal and the shifting of the Transportation Cost Equivalence Line, more cargo can be efficiently imported through the east, decongesting West Coast Ports. Although the effects of the new Panama Canal may not be enormous, it will still create a surplus of new business to the East Coast and will lead to a re-evaluation of the way freight is carried to the U.S.

Continued From Page 1

and asks their network (their CEO advisory group, their board, their team members, their golf or book club buddies). It’s often that simple. 75% of B2B buyers and 84% of C-level/Vice-President executives surveyed use social media to make purchasing decisions.

This is the beginning of how to use LinkedIn for business development. Revenue and people are at the core of your business and often businesses do not have a great strategy for finding either one. As your competitive landscape changes and the onus is on every owner to create a great work culture there is a need to uncover new relationships, find talent and stay in the game. Let’s go back to the tools. LinkedIn. It’s one of the strongest tools. Why? It’s self-authored and people are there with intent for business.

Just a few months ago someone mentioned to me they were looking for a new marketing director who had construction experience. I did a LinkedIn search and found four people I was happy to forward on. I knew two of the people and one was actively seeking new employment. It was only a few days later when I received a note through LinkedIn that one of the four had a conversation and was most likely going receive a job offer. He did receive the offer. Why would I have recommended someone I didn't even know? We had several common connections and I respected those people we had in common and knew I could easily check this person out. And, he had a great LinkedIn profile. Yes, I make quick assessments and especially for a marketing person, it’s a sign, a tangible benchmark of being current and understanding the new sales/marketing dynamic.

He did receive the offer. Why would I have recommended someone I didn't even know? We had several common connections and I respected those people we had in common and knew I could easily check this person out. And, he had a great LinkedIn profile. Yes, I make quick assessments and especially for a marketing person, it’s a sign, a tangible benchmark of being current and understanding the new sales/marketing dynamic.

Your next employee and project is definitely on LinkedIn. You may or may not realize it, but it's true.

Colleen McKenna, Principal of Intero Advisory, helps individuals and companies navigate LinkedIn for business development, recruiting and branding. Over the last 3+ years she and her team have worked with more than 6500 professionals in a wide range of industries. Visit her LinkedIn profile to learn more about her and Intero Advisory.

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Crisis Management and Business Continuity Planning: These are interconnected but also distinctive concepts and essential aspects to an organization’s emergency response. The crisis management portion is the ability (or response) to a disaster, damaging event or accident which may occur onsite and is designed to minimize further loss/disruptions as quickly and completely as possible. Business Continuity planning minimizes the damage and disruption to an organization so it can survive as a productive entity in the aftermath of a crisis. Planning in each of these two areas is important as well as associated training and team building.

Crisis Management Best Practices

1. Pre-Crisis
2. Crisis Response
3. Post Crisis

Each these three stages provide unique opportunities to prevent, react and re-design with proper planning.

Pre-Crisis Phase: This focuses on prevention and preparation. Risk reduction through proper hazard identification and elimination is the first “best” defense since prevention helps to avoid the disaster/crisis from occurring. At the core of the Pre-Crisis phase are a comprehensive risk management program and a detailed crisis management/emergency preparedness plan. It is also important to choose and develop the Crisis Management Team which should be comprised of both management and key field employees from all appropriate disciplines. Once the team has been developed, assign roles and responsibilities.

Crisis Response: The actions and words of management following a crisis should be detailed in this phase of the plan. Following an incident, all attention should be placed on emergency response and containment. Triggering events will prompt the initiation of the appropriate response. Ensuring proper treatment and remediation will be completed through the command center consisting of both internal and external team members from the crisis management team. Communication is a key element for this phase to be successful, which involves having the appropriate contact information easily accessible. In addition, preparations shall include media response and notification of family if a catastrophic event were to occur. It is important for the site to be secured and any evidence to be preserved. Privacy issues should be followed where necessary.

Post Crisis: At the conclusion of any event that required a response, it is a best practice to call the crisis management team in for a review. Discussion items should include:

1. What worked well
2. Which areas need further development based on actual observations and program utilization.
3. Review each phase for possible “gaps”
4. Facilitate future enhancements for program growth.

In order to prevent the same deficiencies from occurring again, action steps and specific control measures that target the gaps must be implemented.

Materials / Supplies- During the assessment and
development of the crisis management plan, ensure that all necessary response materials and supplies are purchased. This may involve maintaining an inventory of emergency supplies such as a back up generator, food, water, fuel, etc. to help reduce the impact of the crisis. There may be other key materials needed or off site storage facilities to accommodate disaster response clean up or proactive placement of materials to prevent damage. Once supplies are identified, they must be stocked, inventoried and replaced as needed.

**Tabletop Exercises and Emergency Drills**- Plans often look good on paper until emergencies and/or disasters reveal their flaws. Tabletop exercises are a means of testing the theoretical response(s) to a crisis by using the plan as a guide for a theoretical crisis. Members of the Crisis Management Team / Response Team as well as local emergency services representatives should convene periodically to run exercises to test the team’s understanding of the plan and responses to various disaster or crisis scenarios. Emergency drills involving the specific job sites or facility can also be completed; however, actual drills may be more disruptive than tabletop exercises which utilize less overall resources. Both methods are useful tools to evaluate and validate the program elements.

**Annual Review and Updates**- The plan should be reviewed at least annually to determine if revisions are necessary. When people, operations and facilities change it often necessitates a plan revision. Also, each site may have different threats or exposures. Remember to address all “flaws” identified through tabletop exercises and emergency drills in plan revisions. Finally, it is recommended that an outside specialist, such as an emergency services provider or your insurance risk management consultant, review and advise you on the thoroughness of the plan and its responses.

**How An HR Audit Can Benefit Your Company**

Running a company without knowing all of the current employment laws can be a serious problem, but there is a solution to this problem: a Human Resources Audit. Offit Kurman Labor and Employment Law attorney Laura Rubenstein states, “Mistakes can happen – knowingly or unknowingly. If you are not sure whether your HR department is in compliance with current employment laws, I recommend an HR audit be performed by an experienced employment attorney.”

It is important to have accurate and complete personnel files for each employee and to make sure that every employee knows his or her rights in the workplace. “HR audits ensure that, among other things, personnel files are in order, I-9s are accurate, polices are in place and being administered appropriately, and required posters are hanging on the walls,” says Rubenstein. As an executive, you should be aware of employment trends and laws. Executives should be directly involved in any policy change or implementation in human resources.

Rubenstein states, “Executives should never be afraid to question policies or practices or contact employment counsel for feedback on how a situation should be handled.” Working hands-on with your HR department keeps everyone in the loop as to what laws affect whom and what changes need to be implemented. Additionally, an executive’s involvement makes clear the value the firm places on its employees and goes far to boost morale.

Laura Rubenstein is a principal with the law firm Offit|Kurman. Her practice as an employment lawyer concentrates in general civil litigation and employment litigation. Laura represents corporate clients and nonprofit agencies in a wide range of matters. You can reach Laura at lrubenstein@offitkurman.com or 410.209.6433. You can also connect with Offit Kurman via Facebook, Twitter, Google+, YouTube, and LinkedIn.

**Paul O’Connor, CHCM, HEM, CHSP RCM&D**

Additional resources:
http://www.fema.gov/
http://www.ready.gov/business/
implementation/emergency
Continued From Page 7

of a formal employment agreement, or whether an alleged independent contractor is licensed by State/local government are not considered to have a bearing on determinations as to whether there is an employment relationship.

The IRS has set forth the following rules to help employers distinguish between an independent contractor and an employee. The focus is on the degree of control by the employer and independence of the worker. Facts that provide evidence of the degree of control and independence fall into three categories:

1) Behavioral: Does the company control or have the right to control what the worker does and how the worker does his or her job?

2) Financial: Are the business aspects of the worker’s job controlled by the payer? (These include things like how worker is paid, whether expenses are reimbursed, who provides tools/supplies, etc.)

3) Type of Relationship: Are there written contracts or employee type benefits (i.e. pension plan, insurance, vacation pay, etc.)? Will the relationship continue and is the work performed a key aspect of the business?

Businesses must weigh all these factors when determining whether a worker is an employee or independent contractor. Some factors may indicate that the worker is an employee, while other factors indicate that the worker is an independent contractor. There is no “magic” or set number of factors that “makes” the worker an employee or an independent contractor, and no one factor stands alone in making this determination. Also, factors which are relevant in one situation may not be relevant in another.

Exempt vs. Nonexempt

The Fair Labor Standards Act requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and that they be paid overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a work week. However, the FLSA provides an exemption from both the minimum wage and overtime pay requirements for those individuals employed as bona fide executive, administrative, professional, outside sales, computer-related, and highly compensated employees, provided they meet certain tests relating to duties, responsibilities, and salary as set forth in regulations issued by the Secretary of Labor. In addition, there are a number of other exemptions for, among others, salesmen, partsmen, and mechanics at a dealership, certain farm workers and seasonal employees, and drivers, helpers, loaders, and mechanics employed by motor carriers. It is important to become familiar with the various industry-specific exemptions as well as the general exemptions.

Unfortunately, classification of a worker is not always a simple process. Ambiguities will exist and certain laws may change an independent contractor into an employee. In addition, there are some differences between federal and Maryland laws that may have the affect of the employee being exempt under federal law, but not under Maryland law. Employers who are concerned that they may have workers who are misclassified should have a labor and employment attorney assess the classification of their workers before they are contacted by a federal or state agency or a plaintiff’s attorney. To contact a PK Law Labor and Employment Attorney click here and to contact a PK Law Corporate and Business Services Attorney click here.

Gregory S. Weiner, Esq. & Mark D. Maneche, Esq.
PK Law

This information is provided for general information only. None of the information provided herein should be construed as providing legal advice or a separate attorney-client relationship. Applicability of the legal principles discussed may differ substantially in individual situations. You should not act upon the information presented herein without consulting an attorney of your choice about your particular situation. While PK Law has taken reasonable efforts to insure the accuracy of this material, the accuracy cannot be guaranteed and PK Law makes no warranties or representations as to its accuracy.
Trench Foot (also known as Immersion Foot)

- Non-freezing injury to the foot, caused by lengthy exposure to wet and cold environment. Can occur at air temperature as high as 60°F, if feet are constantly wet.
- Symptoms: redness, swelling, numbness, and blisters.

What to Do When a Worker Suffers from Cold Stress

For Hypothermia:

- Call 911 immediately in an emergency.
- To prevent further heat loss:
  - Move the worker to a warm place.
  - Change to dry clothes.
  - Cover the body (including the head and neck) with blankets, and with something to block the cold (e.g., tarp, garbage bag). Do not cover the face.
- If medical help is more than 30 minutes away:
  - Give warm, sweetened drinks if alert (no alcohol).
  - Apply heat packs to the armpits, sides of chest, neck, and groin. Call 911 for additional rewarming instructions.

For Frostbite:

- Follow the recommendations “For Hypothermia”.
- Do not rub the frostbitten area.
- Avoid walking on frostbitten feet.
- Do not apply snow/water. Do not break blisters.
- Loosely cover and protect the area from contact.
- Do not try to rewarm the area unless directed by medical personnel.

For Trench (Immersion) Foot:

- Remove wet shoes/socks; air dry (in warm area); keep affected feet elevated and avoid walking.
- Get medical attention.

Another area of concern during cold weather is the use of portable heaters. If they are not maintained properly they can cause accidents. Carbon monoxide can result from defective ventilating and from incomplete fuel burn. A competent person should check all portable heaters before being put into use. Locate fuel containers, regulators, piping and hose where they will not be subject to damage. LP gas containers not in use should be stored upright, in a specified outside location and protected against damage. Containers in use must be kept in an upright position and secured. Always be sure to protect the valves from physical damage.

Dan Johnson, CSP
SFI Compliance

For additional questions or further information, please contact SFI Compliance, Inc. at 202-417-3923 or dan@sficompliance.com
consistent, and include the consideration of potential numerical limits for sediments and nutrients. This also brings with it the potential again to consider NTU measurement as a means of E/S compliance since this pollutant is usually considered the keystone parameter. Nutrient measurements would be even more onerous as they (unlike the NTU, which has a state standard) have not had regulatory level numerical limits simply because, while we can know its there, practicable measurement and monitoring is not technically feasible in a construction setting.

So, what exactly is an NTU and turbidity – and how can (or should it be) applied? Turbidity is merely the optical transparency of water that can be determined with an instrument called a nephelometer that measures transparency in Nephelometric Turbidity Units (NTU). The problem with this easy method of measuring turbidity is – well – that it is easy.

Monitoring turbidity appropriately can be a useful tool in the toolbox but with caution. For example, the originally EPA proposed NTU of 13 in 2009 was completely unrealistic and technically unsubstantiated because it is easily exceeded naturally and in preconstruction conditions. Further, direct proportional relationships cannot reliably be drawn between the level of turbidity and total suspended solids (TSS) – the more appropriate constituent of concern and is what is most relevant to stream health and water quality monitoring.

NTUs have their place, but nature, streams and water chemistry can be complex and making a regulatory leap in the field based entirely on a turbidity measurement alone is not so simple. The Maryland State standard of 50 NTU monthly average and 150 NTU daily maximum was originally developed for point source discharges and its application to diffuse measurements of land disturbance around a receiving stream can be challenging.

Transparency is not a pollutant. Sometimes water can be turbid naturally or from phytoplankton (algae). Much of the northern Atlantic and the Bay and its tributaries are turbid without our help due to the valuable abundance of phytoplankton and appropriate levels of nutrients and is the basis of our food chains as well as 70 percent of the oxygen we breathe. The clear water of the Caribbean is actually a desert from a relative lack of life and food chains, and is why reefs will pop up as oases. A certain level of nutrients (as in soil) is naturally desirable - just not too much – and therein lies our challenge. Less is not necessarily more and while excess sediments and particles always reduce light transmission, the opposite does not always follow. Clear swimming pools do not make hospitable natural habitats.

All this leaves a lot of questions. Measuring turbidity at the BMP could indicate relative BMP performance, but the NPDES GCP provisions of the Clean Water Act are applicable to waters of the U. S., so would measuring turbidity at the point it enters such waters better indicate receiving stream conditions?

How would turbidity monitoring correlate to a receiving stream that may already have a preconstruction turbidity in excess of a desired limit due to a pre-existing property use or offsite influence?

Or, if the goal is interpreted to preserve the stream as it is before new construction, what if the water entering a pre-existing muddy stream is less turbid to the point of a “shock”? This may not seem as farfetched as it sounds with potential active flocculent treatment considerations for BMPs.

The use of flocculants could potentially attain such cleaner water – but what is their true net environmental benefit depending on the compound used? Some of the flocculent approaches referenced in past draft E/S protocols could allow the use of some compounds, which themselves may have adverse environmental effects or may need to be disposed of when settled out in special waste sites.

Turbidity standards for receiving waters originated for point source discharges. Turbidity, as well as nutrient, measurements can be constructive under certain conditions, but as regulatory definitions of discharges and applicability have broadened over time into the stormwater realm, we need to be technically cautious when substantiating the generic and wholesale transference of such compliance monitoring protocols to a diffuse nonpoint source scenario in an urbanizing
must exist:

1. The private company lessee and the lessor entity must be under common control.

2. The private company must have a leasing arrangement with the lessor entity.

3. Substantially all of the activity between the private company and the lessor must be related to the leasing activities (including supporting leasing activities, such as issuance of a guarantee or providing collateral on the obligations related to the leased asset) between those two companies.

In addition, if the private company explicitly guarantees or provides collateral for any obligation of the lessor related to the asset leased by the private company, the principal amount of the obligation at inception can’t exceed the value of the asset leased by the private company from the lessor. (Other stipulations may apply — work with your CPA on all matters related to this guidance.)

And the upside?

Should you elect to apply the alternative, you’ll need to do so for all current and future leasing arrangements that satisfy the conditions noted above. Again, the upside is much simpler reporting, because you won’t have to consolidate qualifying VIEs with your financial statements. Some disclosures, however, may still be required. (See the sidebar “Certain disclosures not eliminated under ASU 2014-07.”)

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Don’t watch the clock; do what it does. Keep going.

~ Sam Levenson
Insurance Trends In Job Qualifications – How They Might Jeopardize Your Bottom Line

A Mid-Atlantic contractor has been doing business with a Fortune 500 Company for over 20 years. They started out on a handshake agreement and the contractor has provided efficient, proactive, and professional services over the years. They are a valued subcontractor for this company and their work is competitively priced and profitable.

Over the course of the last year, the qualifications to do subcontract work for this Fortune 500 company have changed. The Fortune 500 Company has added many additional requirements that threaten to end the relationship.

What has changed so much that a very solid relationship could end and even threaten the viability of the contractor due to the loss of business?

Prequalification surveys are becoming the norm rather than the exception. Requirements such as a certain Experience Modification Factor (EMF), Injury Rate, or insurance coverage's are being enforced and can preclude work from being awarded or have a contractor removed from a job.

The size of a job, the type of work performed, or length of the relationship may not preclude the requirements from being enforced. This is a big change and is creating immediate challenges for contractors everywhere. **How can you protect your bottom line?**

Know your Experience Modification Factors for the current year and the prior three years. Anything over a 1.00 could create a qualification problem. Make sure the EMF's have been reviewed by your agent for accuracy and be prepared to explain negative factors or trends. In 2013 and 2014 changes the split point (claim cap) have altered EMF's without any change in payrolls or claims. Be educated on whether this has hurt your EMF. The lower the EMF the better. Anything over 1.00 results in additional costs and may limit your ability to land work. Anything under 1.00 will reduce cost and be a selling point to get work.

Carefully review insurance requirements. Many contractors agree to work without understanding the insurance requirements for a job. There may be higher limits of liability required than the contractor currently has or there may be special endorsement or language required that will result in additional premium charges. Don't find out when your first payment is withheld that your insurance is not compliant. The trend is for higher limit requirements and more stringent wording. You can easily lose your profit on a job if you have to add new coverage, higher limits, or endorsements that generate more premium cost.

In the past, agents could call or write on behalf of their customers to get qualifications waived or to explain why they should be amended. The success rate for this was very high. Customers wanted to keep working their best contractors, even if the qualifications were not met. This has changed and more companies are sticking to the qualifications and not allowing exceptions.

Be proactive and develop your company profile with the items discussed. If your trends are heading in the wrong direction, work with your agent and risk consultant to make the changes needed.

**Richard Shaw is a Vice President with CBIZ Insurance Services, Inc. and has over 25 experience working with clients to help them manage their risk. For more information about these plans and any other insurance needs, you may contact Richard at rshaw@cbiz.com.**
AGC of America has launched The AGC Alternative, a private insurance exchange. This new initiative is designed to help firms create a more robust and competitive benefits package for their employees. Willis is the plan administrator and Aetna is the carrier.

The AGC Alternative is a private insurance exchange that operates like an online store (think Amazon.com), making it easy for individual employees to shop for health insurance and other benefits all on their own. It is interactive and available to companies interested in having their own insurance exchange - not only to offer a broad range of health and other insurance benefits to their employees but also to administer the benefits they select.

The AGC Alternative makes it much easier for companies to budget the current cost of health and other insurance benefits, and much easier to control their future cost. The exchange also reduces the administrative burden of providing such benefits, gives employees more choices, and facilitates compliance with the Affordable Care Act.

The AGC Alternative features up to six options for health care coverage, three dental plans, two vision plans, disability, life and a legal service coverage. Companies have the discretion of offering their employees all or only some of those options. The AGC Alternative has a customer service line that any employee can call for assistance with the enrollment process.

With the AGC Alternative, instead of making a traditional commitment to pay a certain percentage of current and future premiums for such benefits, companies can simply commit to pay a flat dollar amount. Employees can then go to the exchange and use the employer’s contribution – and any amount they would like to contribute on their own – to shop for and purchase the combination of health and other insurance benefits that fit their individual needs.

The AGC Alternative will likely be less expensive for many companies because AGC of America has used its buying power to negotiate discounts on the premiums that would normally be charged. Each company’s premium will be different, but across the board, all premiums will be discounted.

Each company’s exchange can be configured to permit both the employer and its employees to make contributions. If the employer does not already have a Section 125 payroll deduction plan that would enable an employee to contribute pre-tax dollars, Willis can and will guide the employer through the process of setting up such a plan.

Each company will have the option of starting and renewing coverage on a date of its choosing. The first policies will go into effect on January 1, 2015, and they will renew on January 1, 2016, but companies will have the discretion to start and renew coverage on the first of any given month of the year.

All AGC companies in good standing with 10 or more employees are eligible to take advantage of The AGC Alternative. This includes general contractors, specialty contractors, and both suppliers and service providers. To request a quote, visit www.agc.org/exchange. For AGC membership, contact Maryland AGC or call 410-321-7870.

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Why Automatic Fire Sprinklers Are A Good Thing

One of the greatest misconceptions on Fire Sprinkler Systems are that ALL Sprinkler Heads discharge water at the same time, in the event a Sprinkler System is activated. I’m referring to what we have all come to witness on television and in the movies. Hollywood would like us to believe this to be the case, however, sprinkler heads activate individually when the temperature of each installed sprinkler head is reached. For an independent sprinkler head to discharge water, a heat source would typically need to trigger the sprinkler head to open-up and a sprinkler system to activate. There are various temperature-set sprinkler heads on the market, which detect a temperature, usually between 135 and 165 degrees Fahrenheit. Sprinkler heads are equipped with either a glass bulb, filled with a glycerin-based liquid that expands at the appropriate temperature - thus breaking the glass and activating the sprinkler head, or they are comprised of a soldered metal ‘temperature sensitive’ fusible link which melts when the temperature of the link is reached; creating an activation. The chances of a sprinkler head discharging accidentally are extremely remote.

Automatic Sprinkler Systems have held a very respectable record of saving lives and protecting property for well over 140 years. In fact, Automatic Fire Sprinkler Systems have been in use throughout the United States since the mid 1870’s.

As for their effectiveness and the statistics, 90% of all fires are controlled with six or fewer sprinkler heads. Based on a study conducted, covering 82 years of automatic sprinkler use, it was found that 82% of fires were actually controlled with two or fewer sprinkler heads. There has never been a multiple loss of life in a Fully Sprinklered Building. Property losses are documented to be 85% less in building occupancies with Automatic Fire Sprinkler Systems compared to those without Sprinkler Systems.

Water damage from an Automatic Sprinkler System will be much less severe than the damage caused by water from fire-fighting hose lines or smoke and fire damage if the fire goes unabated. The average Quick Response Sprinkler Head will discharge 7-25 gallons of water per minute compared to the typical 50-125 gallons per minute released by a fire hose. Automatic Fire Sprinkler Systems extinguish fires in “The Room of Origin”, preventing fires from spreading or re-igniting in a minimal amount of time. This process usually happens within minutes of the activation of a Sprinkler Head and discharge of water onto the fire. This also depends on the type of Automatic Fire Sprinkler System furnished and installed to protect a given property or occupancy type.

Many different types of Automatic Sprinkler Systems have been developed over the years. These include Wet, Dry, Preaction, Deluge and Foam Systems; with each one of these ‘system types’ having its own unique set of characteristics that protect specific buildings/properties in which they were installed.

Sprinkler heads are connected to a series of System branch-line piping, System main piping, and bulk supply piping which generally run concealed above ceilings or concealed in walls of a room. The typical piping used for the installation of Automatic Sprinkler Systems is comprised of Steel, Fire-Resistant CPVC Plastic, or Copper. The building’s interior piping, installed throughout, is either connected to a reliable water supply such as the Public Utility (Water Authority) or is boosted by way of a Fire Pump System. Upon activation of a single sprinkler head, the Sprinkler System’s Main Riser Valve, connected to the piping system is opened; releasing water under pressure from the piping system. The water quickly moves through the pipes and

Continued On Next Page
discharges out from the sprinkler head, thus spraying water downward and out to the sides. The release of water-spray extinguishes the fire below and prevents it from spreading, or in most cases, eliminates the fire altogether.

With a Wet Sprinkler System, water already sits in the piping network and is immediately available, upon discharge of a sprinkler head, since the water is right at the sprinkler head.

With a Dry Pipe Sprinkler System, the piping network is not filled with water. The piping network is actually filled with compressed air. When a sprinkler head is activated, the Dry Pipe Valve back at the Main Riser location, releases the compressed air through the one independent sprinkler head that opens up. Once all of the air is released, the pressure in the piping system changes, thus allowing water to fill the system piping network. Dry Pipe Systems have a longer reaction time (with a delay of up to a minute) versus Wet Sprinkler Systems where the water is immediately available at the sprinkler heads. To make up for this difference in time delay over the Wet Type System, a Dry Pipe Sprinkler System will release a larger volume of extremely pressurized water, which in turn requires the overall system piping network to be comprised of larger piping, valves and fittings, and the maintenance to the Dry Pipe Sprinkler System is more sophisticated and costly.

Preaction and Deluge Sprinkler Systems are similar in nature to that of the Dry Pipe Sprinkler System; however a Preaction Sprinkler System must be activated by two means/methods, prior to water being discharged out from a sprinkler head. The first method of activation comes from a smoke detector or heat detector that is a separate system from the sprinkler head. Activation of the detector head allows water to discharge into the piping network. Once this particular activation occurs, the Preaction System acts much like a Wet Sprinkler System. Water envelopes the piping and is sitting right at the sprinkler head. The second method of activation is the individual sprinkler head itself, which upon the release of water discharging from the sprinkler head, this type system becomes fully functional in extinguishing the fire. The Preaction System provides added protection against false sprinkler head activation. When a detector head on this System activates, an alarm will sound. Although sprinkler heads are not likely to accidentally activate, sprinkler heads have a 1 in 16 million false activation rate.

Preaction Systems are very popular when dealing with sensitive properties such as Data Centers, Libraries, Museums, and Industrial Plants.

A Deluge Sprinkler System, like that of the Preaction System, will allow water to enter the piping network when activated by a heat detector or smoke detector, again; separate from the sprinkler heads. This type of System can also usually be activated by way of a Manual Pull Functioning Release where pushing on a Button or pulling down a Hand-Pull Switch activates the system. The sprinkler heads on a Deluge Sprinkler System are all Open-Type, meaning they do not contain a fusible-link or glass filled temperature sensitive liquid bulb. Upon the activation of a Detector or Manual Release, all Open-Type Sprinkler Heads are activated simultaneously.

Deluge Systems are usually installed throughout Industrial/Chemical Plants or other areas where the spread of fire would be exceptionally hazardous.

A Foam System is similar in nature to the Preaction and/or Deluge Systems. Foam Systems contain the same detection and System design characteristics, however in lieu of water being discharged from individual or all Open-Type sprinkler heads, a Foam Solution is released from the sprinkler head(s) or a Special Foam Discharge Nozzle.
homeowners and business owners for all or a portion of the cost of purchasing, leasing and installing eligible and certain commercially viable clean energy systems that convert renewable energy resources into electrical energy, thermal energy, or use renewable fuels to meet the energy demands of Maryland homes and buildings.

To be eligible for a grant, the contractor must be in good standing with the Maryland State Department of Assessments and Taxation and file an application with the Maryland Energy Administration. The grant amount varies depending on the system installed.

**Other Overlooked Maryland Credits**

Owners of income-producing properties in Maryland have the opportunity to earn a state income tax credit for renovating historic buildings under the Competitive Commercial Tax Credit. The program offers a tax credit up to 20 percent of eligible expenses, up to a total $3 million.

Under Maryland’s Small Commercial Tax Credit, an owner of a small commercial property may receive a state income tax credit up to 20 percent of qualified rehabilitation expenditures. Small commercial rehabilitations cannot exceed $500,000 in expenses, and the credit is capped at $50,000 in a 24-month period. Small commercial projects must be located in a designated Sustainable Community.

Both the Competitive Commercial Tax Credit and the Small Commercial Tax Credit are administered by the Maryland Historical Trust by an application process.

**For Help**

The number of federal and Maryland tax credits available to contractors is constantly expanding and changing. With increasing tax burdens on contractors, the time has never been better to take advantage of these tax credits.

Contact Scott Handwerger, CPA, a tax partner at Gross Mendelsohn, at shandwerger@gma-cpa.com or 410.685.5512, to see how these and other credits can help your contracting business add more money to its bottom line.
Bluebeam Releases Revu 12

With the release of Bluebeam Revu 12, an already “must have” tool in your BIM collaboration toolbox has become indispensable. Bluebeam Revu, a PDF creation, editing and collaboration tool, is the de-facto industry standard, used by more than half of the top contractors and design firms nationwide.

Users of Revu consistently remark that one of the most powerful aspects of the tool is the fact that it is easily incorporated into their already existent workflow. Experience has demonstrated that, no matter how great a tool may be, if it doesn’t fit into the way in which users already work, it’s dead-on-arrival. Revu’s flexibility and customization in both interface and workflow accommodate nearly any user preferences.

Version 12 builds upon the solid foundation established in the previous version, which introduced several functions that catapulted Revu into prominence in the AEC space.

Features and enhancements in Revu 12 include:
- **Capture** - allows the embedding of multiple photos from the field or your image library to any mark-up;
- **Batch Link** - enables the automatic hyperlinking of an entire document set quickly and easily, by file name, page label, or page region (*available only in the eXtreme version);
- **Compare Documents** - automatically scales, rotates and aligns two drawing revisions, then highlights all identified differences with easy-to-see clouds.

These three features are but a few among many that are game-changers for users of Revu. Whether you work in the field or back in the office, Revu keeps you connected to the latest version of a document complete with observations, annotations and revisions made by anyone, anywhere. Bluebeam Studio is the ultimate cloud-based solution for collaboration. Included in Revu, Studio allows you to securely manage projects digitally from start to finish anywhere, at any time, from a desktop, tablet or iPad – regardless of your internet connection.

Article Courtesy of Print-O-Stat

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**Home For Sale**

![Home For Sale](www.3928norrisville.com)
Frederick Community College has kicked off the school year with record enrollments! There has been an increase of 30% over spring enrollments and a 37% increase over fall 2013 enrollments. Our welding program was in such high demand this fall that we had to add a second introduction to welding class to accommodate all the students who want to learn that trade. Providing these students with the basic skills and knowledge needed to succeed in the building trades is our top priority!

This semester FCC is offering classes in HVACR, Welding, and Electrical. In the spring, we will be offering all of these options in addition to Carpentry. Our programs take one to three years to complete depending on the workload students can handle at one time. We provide course offerings on evenings and Saturdays (welding only), and have started a pilot program to offer HVACR courses during the day. This had been successful, so we will be trying it in the spring with electrical.

FCC Building Trades Social Media Involvement
FCC Building Trades has started a Facebook page and Twitter account. If you would like to see what is happening at the Monroe Center connect with us!

“Like” our Facebook page:
https://www.facebook.com/pages/Frederick-Community-College-Building-Trades/323706484474026

“Follow” us on Twitter:
https://twitter.com/FCC_Bldg_Trades

Frederick Community College seeks partners for Student Internship Program
FCC Building Trades also looking to expand our internship program in the Spring. Internships provide our students the opportunity to experience the trades. This supplements their traditional education of theory and hands-on lectures. Interns are required to work 90 hours with a company over the course of a semester. In addition to providing our students with field experience, it provides employers with the opportunity to evaluate prospective employees before they are hired. It is a win-win for everyone! If you company is interested in participating, please contact the Building Trades Program Manager.

BLD 101-Day1Winners:
FCC Building Trades Students Josh Cooley, John Wiand, Matt Full, and Fitz Reid show off their winning “Marshmallow Challenge” structure. Students were given 20 minutes to build the tallest freestanding structure using spaghetti, tape, and a marshmallow (which had to be on top of the structure).

Tyler Cole
FCC Welding Student
Tyler Cole works on his 3G welding position.
Five Ways To Make Your Company Innovative

Creative ideas are what turn ordinary companies into market leaders. These companies see the end result first, then build a path to achieve those results.

A safety zone needs to be established. Often, failure is punished but success is not rewarded. We must remember that failure is the second cousin to success. We learn from our mistakes.

Creativity and innovation are key elements that propel businesses to the top. Without either, your company comes in second at best, and no one remembers #2. While being #1 certainly doesn’t guarantee continued success, it is definitely better than being forgotten.

Here are some ways to keep your company at the top.

1. **Foster a business climate that’s open to innovation and creativity.** Innovation is the ability to come up with ideas and solutions to pressing problems and challenges. It is the process of producing something that has value and did not exist before. Creativity is the ability to take that new idea and make it valuable in your customers’ eyes. Realize that every problem and challenge has a solution, although the solution may not be in plain sight.

2. **Become #1 with your customers.** The more satisfied your customers are, the more business you’ll have in the future. Realize that the only commodity your customers know is you and your employees. Since you are the catalyst providing the product and/or service, you are accountable for fulfilling their needs. As a result, you need to invest time in keeping the channels of communication open.

3. **Create a partnership with your customers.** Customers recognize partnerships when the companies they work with function as problem solvers. Remember, value is something you produce by the acceptance your customers place on what you do for them.

4. **Create a partnership with your employees.** Asking people to be creative, and then shooting down their ideas, creates a rift in your organization, whether you know it or not. Instead, show your employees that bringing their imagination on the journey is welcome. Information wealth flows directly from innovation, not optimization.

5. **Implement next-generation approaches.** Replacing “rules” with “roles” will free your employees from the “we have always done it this way” syndrome. The secret is not knowing the formula, but applying information in a way that works for your employees and benefits your customers.

_Brenda Fried_  
President, Harbor Bay Consulting Ltd

_Harbor Bay Consulting partners with clients to determine results they want to achieve and the action plan to make it happen by helping clients develop and manage strategic, cultural, and structural changes within their companies. By providing personalized processes and support materials, we help turn goals into reality by aligning the plan, the people and systems in order to gain a competitive edge._

This Wednesday - October 15th!

Presented By: Baltimore County Public Schools.
absent affirmative action by the client. Reading the fine print for the first time when the project impact becomes apparent is often too late. The best business practices here require aggressive negotiation before contract execution that includes both the project manager and project executive to assure all key players understand the contractual terms prior to project commencement.

The Schedule

More often than not, many legal issues involve an analysis of the project schedule or, better stated, the lack of a project schedule. Many contractors are “following contractors” that depend upon the timely completion and sequencing of predecessor work. If a given project exhibits schedule slippage or coordination issues, written notice explaining the impact on the contractor along with specific requests for updated project schedules provide compelling evidence of a contractor’s due diligence and commitment to the project. This especially holds true if predecessor activities impact critical activities on a project with liquidated damages. Document the project file and inform management of potential issues as the issues develop.

Notice of Claims

Notice of project claims is among the most important considerations affecting the legal process. The concept of notice is not always a technicality. Instead, proper notice can serve to help other parties in the contracting process initiate actions to mitigate damages in real time. Notice issues almost always arise at the field level, and typical questions regarding notice involve the adequacy of comments asserted in e-mails and project meeting minutes. Certainly these writings are better than silence, however the best business practices for notice involve a proper written “notice of claim” coupled with the submission of a Pending Change Order as a “coat hook” for costs and expense on the specific issue.

When it comes to notice, the typical concerns of the client involve the desire to maintain an amicable working relationship with the customer. However, I often counsel clients that submitting claims for the first time at project completion will certainly not foster a good future relationship, and this especially holds true where upstream contractors can pass timely claims through to the responsible parties. Regardless, contract language often has stringent notice requirements, and certain courts have made a distinction between “reserving the right to file a claim” and actually “filing the claim,” with the former interpreted as the reservation of a right and not an actual claim within the meaning of the contract. For maximum protection, written notice of claims when the issue is first known, coupled with a contemporaneous change order request, is the best practice. If costs are uncertain, use language such as “to be determined” and file a supplemental revised change order when costs are ascertained.

Change Orders

While on the topic of change orders, home office management is well advised to coordinate with field personnel prior to executing any change order containing waiver of rights language broadening a release beyond the subject matter of the specific change order. A common example is the waiver of claims for “all time impacts and delays up to and including the date the change order is executed.” It is incumbent upon field personnel to keep the home office informed of project status because the inadvertent execution of change orders can affect unrelated claims.

Lien Releases

This topic is perhaps the most important consideration affecting the legal analysis of a troubled project and underscores the reasoning for submitting change order requests. When field personnel fail to properly communicate with the home office, there is a grave risk that monthly lien releases waiving claims will unknowingly be executed in exchange for progress payments. This especially holds true for larger organizations that have separate accounting departments that handle receivables. It is imperative that all personnel involved in the payment chain coordinate in advance with respect to the handling of lien releases on every project.

Several factors come into play with lien releases. If a project has a known issue in dispute, specific exclusions to the release should be inserted to assure rights
Continued From Previous Page

are protected. At the very least, if the contractor is submitting written notice and change order requests as indicated above, higher-tier contractors and owners would be hard pressed to argue that a partial lien release includes a waiver of future rights on every unresolved change order. The key factor here is communication, insofar as a breakdown in communication on this critical document that occurs months or years earlier can have far reaching effects when the issues are ripe for dispute resolution.

Conclusion

The successful contractor in today’s business climate requires a well-educated field team to understand and confront project issues in real time. However, it is not enough to document and protect issues only with the customer. Field personnel must communicate, educate and protect the home office to assure a unified and seamless approach to handle and protect project issues.

Adam C. Harrison is the founder and president of Harrison Law Group, a 7 lawyer construction law practice. Harrison Law Group provides counseling and legal representation to construction industry professionals at all levels of the building process, including owners, architects, engineers, sureties, general contractors, construction managers, subcontractors and material suppliers. Read more at www.harrisonlawgroup.com. Adam Harrison can be reached at aharrison@harrisonlawgroup.com. This article is for informational purposes only and is not necessarily representative of the current state of the law. It is not intended as legal advice and the reader is encouraged to consult an attorney before taking any action.

In the 1960’s, codes and regulations were written that required the installation of Fire Sprinkler Systems throughout various types of building occupancies and construction. Prior to this time, many Contractors and Building Owners mainly installed sprinklers to reduce property loss and reduce insurance costs. Today, most building codes require the installation of Automatic Fire Sprinkler Systems throughout many Commercial and Industrial Properties. Although most countries do require Fire Sprinkler Systems throughout these same type building occupancies, the United States has the highest record of Automatic Fire Sprinkler Systems installed. These Fire Protection Codes are usually based on generic codes developed by Building Associations and other reputable organizations such as the International Code Council, the National Fire Protection Agency (NFPA), and the U.S. Fire Administration (USFA). Once adopted, these generic codes are locally amended. In the United States, building codes are set by State Governments and Cities throughout the States.

The code usually requires the installation of Automatic Fire Sprinkler Systems across the board for New Construction of High-Rise Buildings, Healthcare, and Commercial Buildings as well as all types of Industrial Buildings. Retro-fit codes are becoming more popular. Most existing building types are now required to have Automatic Fire Sprinkler Systems. These usually include Hotels, Nursing Homes, and Dormitories. Apartment Buildings, in some jurisdictions, are also required to have Automatic Fire Sprinkler Systems.

Hopefully you now have a better understanding of “how” Sprinkler Systems operate and “why” they are advantageous to have. They are basically a 24 hour/7 day a week Fire-Fighter, on call at a moment’s notice to saves lives and protect property.

No man goes before his time - unless the boss leaves early.

~ Groucho Marx

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Don Welch has served over 30 years in the Fire Protection Industry, as a Contract Sales Representative for OLIVER Fire Protection & Security. Mr. Welch handles the Estimating and Sales Responsibilities as the Senior CSR for their ROAD Division. He covers an 8-State Sales Territory, estimating over $40M in Fire Protection sales annually, with project sizes ranging from $50K to $15M annually.
Classifieds

Positions Available:

Estimator
Description: DACG Commercial, a division of Delbert Adams Construction Group LLC, specializing in niche commercial construction and tenant improvements, professional construction management for new and existing buildings, is looking for an Estimator.

Assistant Project Manager
Description: Assist Project Managers with all aspects of both custom residential and commercial construction projects, ie: meeting minutes, project summary reports, owners manuals, ordering product, filing permits, and other administrative duties.

Financial Controller / Construction Accounting Specialist
Description: HOBSON USA is in immediate need of a Financial Controller for our Client a quality driven retail and industrial sector general contractor in Rockville, Maryland.

Business Developer/ Estimator / Project Manager
Description: HOBSON USA is in immediate need of an Estimator/Project Manager for our Client, a quality driven general contractor in Rockville, Maryland. A well-established portfolio of project experience in automotive dealerships, embassies and/or historical projects is a must.

Administrative Specialist
Description: This position performs office support duties involving administrative support work in variety office situations requiring initiative, and the ability to work independently, use sound judgment, and apply analytical thought processes.

Construction Administrative Assistant
Description: HOBSON USA is searching for a Construction Administrative Assistant for our client, a quality driven retail and industrial sector commercial general contractor. This position will provide intermediate construction administrative support for our client's corporate office located in Rockville, Maryland.

For More Information About These Positions, Please Go To: http://www.mdconstructionnet.net/opportunities/job-ops/help-wanted/

Coming Soon

Wednesday, October 15th – Project Tour & Networking Event
MCN Along With AIA Baltimore & USGBC
Maryland Present A Joint Project Tour & Networking Event - The Maryland Zoo In Baltimore's New Penguin Exhibit - 5:30 – 8:00 p.m.

SORRY ~ EVENT SOLD OUT!

Thursday, October 16th – Educational Seminar
Unpaid Wage Claims – What Employers Need To Know!
The Offices of Hertzbach & Company, P.A.
800 Red Brook Boulevard, Suite 300
Owings Mills, MD 21117
7:00 – 9:00 a.m.

Wednesday, November 5th – Direct Connect & Educational Seminar
Direct Connect & Educational Seminar
Hosted By MEC At Their New Facility - The Event Will Take Place Inside GOALS Baltimore Indoor Sports Complex
Seminar: 3:30 – 5:00 p.m. Presented By Print-O-Stat
Direct Connect Networking: 5:00 – 7:30 p.m.

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