



The **VOICE** **Southeastern** 2022

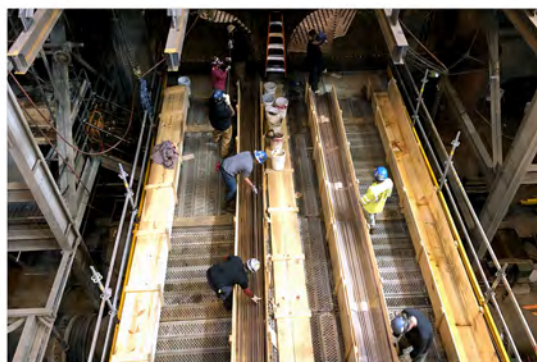
The official publication of the Southeastern Construction Owners and Associates Roundtable



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- Southeast Economic Recovery
- A Fresh Approach to Safety
- Dispute Resolution Clauses
- And more!



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Southeastern

2022

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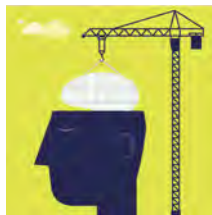
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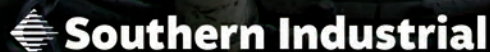
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I am honored to take on the role of your new SCOAR President. When I decided to join SCOAR about 10 years ago, it was because I wanted to increase my network of industry leaders, improve my knowledge of the industry, and have a little fun. Since day one, I have loved being a part of this association and have made many industry friends. SCOAR has made me more effective and efficient by maximizing my networking opportunities at our events. SCOAR is made up by a lot of smart, focused, and fun individuals. As your new president, I want to continue driving more people to join our incredible membership.

Since I am new to this role, I want to introduce myself to those that may not know me well. I have been in the large-scale engineering/construction/generation industry for nearly 40 years since graduating from Purdue University with a Mechanical Engineering degree. I also hold a Master's degree in Business Administration from Indiana University. Over my career I have been responsible for design, construction, and commissioning of over \$16 billion of projects primarily in the generation and environmental compliance areas. I have been married for 38 years and have lived almost all my life in Louisville, Kentucky. My career has been with Louisville Gas & Electric Company and Kentucky Utilities Company (LG&E and KU Energy LLC). I currently serve as Vice President of Project Engineering, responsible for all major projects for our generation fleets, the Real Estate and Right Away functions, as well as the state-wide facilities build/renovation functions for LG&E and KU Energy LLC.

As SCOAR President, I will focus on growing our membership primarily in the owner and large-scale general contractor categories. As you know, we are a very vertical association with an incredibly diverse membership. Increasing our owner and large-scale contractor membership will benefit everyone by increasing the networking opportunities for all members that serve these large customers of the construction industry. We will continue to improve our agendas and meetings to provide useful and timely information for our members. We will also continue to increase networking

opportunities for you in an effort to make your time at the SCOAR meetings as beneficial and productive to you and your business as possible.

Since it is a commitment of time and money to attend our meetings, it is important that our meetings are valuable to each of you. Whether it is through the networking to improve your contacts or effectiveness throughout the industry or having agendas that improve your knowledge and effectiveness in your business, we must make our meetings worth more than the cost of your time and dollars. We have continued to do this over the years and, if the recent trends in attendance are an indication, we continue to improve our meetings. The last fall, winter, and spring meetings each had higher attendance than ever in the history of SCOAR. I hope we can build on this trend throughout my tenure as President.

We have an excellent organization that covers a variety of topics, including safety, labor availability, regional economics, and more. Our universal membership is what makes SCOAR unique. One of the main pillars of what we do is to push and support getting more people coming out of high school and college into construction.

Over my 39 years in the industry, I have seen the average age of our craft workers increase. There is a shortage of qualified skilled craft workers and skilled supervisors/managers. It is a dire, but manageable situation. There is so much work in the near future throughout our region and it is vital that we grow the number of qualified people to successfully supply and build our projects. Whether by getting the word out through media, teachers, trade organizations, etc., we, as an industry, need to do a better job of trying to solve our labor problem. I'm hoping during my tenure as president that I can aid in increasing the number of people joining our industry, because it is crucial that we continue to push to convince young people to join the industry.

I have thoroughly enjoyed my membership with SCOAR, and I hope I can extend the same enjoyment for all of you. Please do not hesitate to contact me if you have ideas on how to make our organization better for you and your firm.

From the President



Scott Straight
President
SCOAR

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Diane and I are very grateful for your friendship and support to SCOAR! In 2022, we gained 24 new member organizations which include large contractors, specialty contractors, and valued suppliers. We continue to solicit membership from owner organizations throughout the 12-state "footprint" of SCOAR.

Next year will be our 50th year as one of the largest Local User Councils of the Construction Users Roundtable (CURT)! This year we were able to have safe and effective in-person meetings with an average attendance of over 130 members per meeting. In the fall of last year, we hosted a great General Session and the annual TOPS Safety and Scholarship Awards Dinner at the Speedway Club at Charlotte Motor Speedway in Charlotte, North Carolina. In January 2022, we hosted the Winter Meeting for the first time at the legendary Grand Hotel in Point Clear, Alabama. At this beautiful venue we had a great Reception, another great meeting, and a fun night raising scholarship monies with a casino night and dinner. Most recently we went back to the ever-popular Resort at Longboat Key Club where over 175 attendees enjoyed a beautiful sunset Reception, entertaining and educational General Session, and the annual Golf and Fishing Fundraising Tournament. We had wonderful prizes at every meeting for winners of raffles, auctions, and competitions, thanks to the donation of owner-member DEWALT.

SCOAR is currently planning the 2023 winter, spring, and fall events with proposals from many attractive venues that our Board of Directors and members have suggested to us at previous meetings. In May of next year, we will be back in Longboat Key, Florida for the Spring Meeting and Golf & Fishing Tournament, for our 13th year.

SCOAR continues to utilize donations and net revenue from operations to fund Craft Training Grants, Technical Trades Scholarships, and

College/University Construction Engineering and Management Scholarships. While donations are still coming in at this time, over \$25,000 has been committed by member organizations Graycor Southern, NCCER, DEWALT, PTS Group, Southeastern Construction & Maintenance, Ironworkers/IMPACT, and the Southern Sates Millwright Regional Council.

If you have not already registered for access to the Member Portal on the SCOAR website, please do so. This portal will provide secure access to individual employees of every member organization through passwords that each member selects. The secure site includes many member resources, most of which can only be accessed only through the member portal, such as the detailed member directory, committee information and documents, discussion forums/blogs, and special promotions. There is also a library where you can access past meeting presentations. The Voice Southeastern is now available on the website in an attractive, interactive format with links to member companies and promotions.

Soon, the Executive Leadership of the Board of Directors will announce the new SCOAR Executive Director Team. Please continue to provide them with ideas for improvement and recommendations for potential new members. Your feedback via phone call, email, and feedback forms at our meetings, are important to the future of this great association!

Diane and I are very thankful for the support of the SCOAR Board of Directors and its 99 member organizations. Although we will be retiring after the Fall Meeting in Ponte Vedra, Florida, we will carry with us grand memories of over four decades of friendship built by working in this great industry!

From the Executive Director



Steve Greene
Executive Director
SCOAR

Defining the Problem: Mental Wellness

By Teresa Magnus, Magnus & Company, and Kathryn Ely, Empower Counselling



Construction workers are six times more likely to die by suicide than in workplace accidents according to the mental health organization Mates in Construction. In the United States, the suicide rate of construction workers is nearly four times the national average, including positions in engineering and construction management. And this isn't just about suicide. According to a U.S. Census Bureau study, 33 percent of construction industry workers suffer from anxiety, depression, and unmanageable stress. Divorce rates and substance abuse rates are also well above national averages. There is a sea of research correlating high suicide rates and ill-mental health with the construction industry workforce dating back to at least 1984. To preserve the current, skilled workforce, and to be able to recruit and retain the workforce of the future, the industry must act now.

Are people who suffer ill-mental health attracted to our industry? Or does working in this industry contribute to the ill-mental health of its workforce?

Research shows that working in the construction industry increases the likelihood that an individual will experience ill-mental health. What is it about the industry that is contributing to ill-mental health of its workforce? Let's start with a risk analysis of the factors that are known to contribute to poor mental health. These include:

- Travel and nights away from home;
- Loneliness and loss of relationships and connectedness to community;
- Employment uncertainty caused by the hiring/lay-off cycles in construction;

- Lack of feedback or receiving only negative feedback;
- Inadequate staffing and overloading existing workers;
- Long work shifts and work weeks;
- Unrealistic deadlines and budgets;
- Conflicting demands;
- Lack of time management skills;
- "Tough-Guy" attitude; and,
- Unhealthy coping skills.

How does ill-mental health manifest itself on projects?

The World Health Organization estimates poor mental health costs the global economy one trillion dollars annually in lost productivity and these numbers are projected to grow exponentially over the next couple of decades. The pandemic has only exacerbated the issue and sped up the decline of mental health in the construction industry. On the most basic levels, the costs of ill-mental health can be measured and calculated using these categories of direct and indirect impact:

- Direct Costs: such as absenteeism, presenteeism, short-term and long-term disability claims, employee turnover, and incident costs.
- Indirect Costs: such as culture, engagement, recruitment, retention, and toxicity.

As a senior leader in my company, will I be able to measure a Return-on-Investment for implementing a mental wellbeing program?

Happy workers are more productive, absent less, more focused, cause less drama, don't quit, perform better, and achieve superior results. Companies with mental health programs outperform peers in the S&P 500 Index, align better with

shareholder ESG priorities, and recruit and retain top candidates. Based on recent studies, companies can expect average returns of 250 percent on the costs spent on these programs. These studies are based on measured reductions in the direct and indirect impact costs listed above compared to the investment made. Many of these costs are performance indicators already tracked on projects sites and other work environments and can be easily converted into Key Performance Indicators (KPI).

When surveyed, 85 percent of construction workers believe the industry does not do enough to support mental health. It is a simple proposition and not something new: take care of your employees and they will take care of you.

What does a mental wellness program look like for a company?

Mental health is defined by the World Health Organization as a "state of wellbeing in which the individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community." Successful programs are designed to support individuals in achieving this goal.

Mental wellbeing programs must be devised to address both the workplace, as well as the workers' personal lives. It is counter-productive to focus on one without the other because people bring their personal baggage to work, carry home their frustrations from work, and, in general, respond to the environments in which they spend a meaningful amount of time.

The program does not need to be revolutionary. Organizations should focus on improving the psychological safety of the workplace and putting plans in place to respond to emergencies. Standards for these factors have already been developed. For individuals, companies should provide tools to support the rebalancing of the eight domains in their lives and the development of healthy coping and time management skills. Working with a professional will allow companies to leverage existing roadmaps to implementation and tools already tested in the market.

Like the evolution of physical safety on construction projects decades ago, companies need to start with a basic framework and a goal to make a difference. No one was an expert in safety when the first programs were rolled out to construction workforces. The same is in effect here. Companies must begin to adopt industry best practices with respect to the mental wellbeing of their workforces and make a commitment to caring for workers and measuring results of programs. **I**

Teresa Magnus dedicates her work as a Principal Consultant for Magnus & Company, Inc. to transforming industry performance by challenging conventional business models with unique perspectives, revolutionary thinking, creative solutions, and intelligent execution.

Kathryn Ely is a Licensed Professional Counselor who guides clients away from anxiety, depression, and self-limiting thoughts, toward more fulfilling and satisfying lives.

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Southeast Economic Recovery Continues Despite National Challenges

By Anirban Basu, Associated Builders and Contractors

Regional economy paints a pretty picture

Even as inflation, rising interest rates, and burgeoning pessimism dampen economic growth, available indicators suggest that the states of the southeast generally continue to recover from early pandemic stages. Several regional factors have helped, including ongoing migration from northern states, the performance of a handful of emerging superstar cities like Charlotte, Nashville, and Tampa, and reasonably mild rates of COVID-19 spread.

According to the latest data from the U.S. Bureau of Labor Statistics, nearly all southeastern states have fully recovered jobs lost during early phases of the pandemic. Only one regional state has recovered a smaller share of jobs than the nation: Alabama, which sits at 96.4 percent versus the U.S. at large at 97.6 percent. The number of jobs supported by economies in Tennessee, North Carolina, Georgia, and Florida is meaningfully higher than it was pre-pandemic. As of June 2022, Tennessee, the leader in this dimension, supported nearly 25 percent more jobs than it did pre-pandemic. North Carolina follows close behind at 24 percent.

In terms of percentage employment growth over the past year, the leader is Georgia. During the 12-month period spanning June 2021 to June 2022, the Peach State added 5.4 percent to its employment totals. A red-hot travel economy has also helped to support rapid employment growth in Florida, which has added 5.1 percent to its employment base,

in part because of rapid recovery in leisure and hospitality segments in both Orlando and Miami.

But the extent to which the region can continue to rapidly add jobs is in question. If anything, unemployment rates are too low. That may be an odd statement given the region's low unemployment rates, but the region and nation's low unemployment rates are both inflationary and constraining. Despite a sharp slowdown in economic growth recently, many employers continue to complain about difficulties recruiting and retaining workers. As unemployment has trended lower, these difficulties have become more severe, producing a combination of delayed supply and higher prices.

Despite generating soft recovery by regional standards, Alabama has been associated with the lowest

unemployment in the region. Indeed, many communities that have been slow to recover around the nation (e.g., Minneapolis, San Francisco) are also associated with unusually low rates of unemployment as local labor forces have shrunk in size, often due to outmigration.

But regions that have been unduly successful in terms of pace of recovery are also associated with low rates of unemployment. This is a national phenomenon and has much to do with the size of America's working age population, the growth of which has slowed in recent years.

In short, to date the region's macro-economy has been supportive to robust economic growth and attendant robust construction activity. Whether that will persist remains unclear, however, as the risk of recession rises in the context of

Building Permits Issued, June 2022

	1 Unit	2 Units	3 to 4 Units	5+ Units	Total
Alabama	1,854	1,577	2	12	263
Florida	20,160	12,002	194	83	7,881
Georgia	5,645	4,381	98	70	1,096
Mississippi	864	668	4	7	185
North Carolina	7,106	5,796	84	23	1,203
South Carolina	4,170	3,663	0	37	470
Tennessee	3,817	3,141	20	59	597
Southeast States (Total)	43,616	31,228	402	291	11,695
U.S.	157,198	91,515	2,658	2,158	60,867
Percentage of Permits Issued to Southeast States	27.7%	34.1%	15.1%	13.5%	19.2%

Source: U.S. Census Bureau

higher borrowing costs and the impact that rampant inflation is having on household and business balance sheets.

Southeast's construction scene

The number of building permits within the southeastern states remains high, especially compared to the balance of the nation. In June 2022, the last month for which there are data, roughly one out of every five residential building permits were issued in a southeastern state. More than a quarter of single-unit permits went to the region.

For homebuilders, this has been both blessing and bane. Strong demand for newly constructed homes creates opportunities for builders. But supply chain disruptions, component, equipment, and worker shortages render it more difficult to satisfy that demand, especially at price points that are comfortable to first-time and other homebuyers. Materials price spikes have been registered across the energy complex, but also in materials like concrete. Builders can be thankful, however, for a recent decline in what had been sky-high lumber prices.

Data from the American Institute of Architects' Architectural Billings Index (ABI) supplies additional evidence. This is a diffusion index, with any reading above 50 indicating that architects are busier in a given month than they were the prior month. It serves as a leading indicator since architects who are busy upstream tend to translate into contractors who are busy downstream. As of June 2022, the reading for the southern U.S. remained above 50, indicating that architects continue to experience rising volumes of design work.

Looking ahead

The Federal Reserve strives to engineer a soft landing. They seek to slow economic growth (further), wring excess inflation out of the economy, without launching the economy into recession. While many suggest that America is already in recession and has indeed generated two consecutive quarters of negative real GDP growth already, the official definition of recession has yet to be met.

National job growth has remained rapid in recent months, consumers continue to spend, and the summer travel season can be characterized as hectic. None of this appears consistent with recession.

But recession remains likely. Inflation has become ingrained in the economy. To bring the U.S. economy back to two percent target inflation, the Federal Reserve will need to continue to ratchet interest rates higher. The Federal Reserve raised its benchmark rate by 0.25 percentage points

in March, 0.5 percent in May, and 0.75 percentage points in both June and July. Further monetary tightening will only slow an economy that has already softened. For those who operate southeastern construction firms, this suggests that demand for construction services may fade somewhat over the year to come.

Anirban Basu is the Chief Economist for Associated Builders and Contractors as well as the Chairman and CEO of Sage Policy Group.

 	 
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A New, First Approach to Safety

By C. Stephen Byrum, Ph.D., Judgment Index™

Safety on the job begins with a greater clarity about propensity for good judgment and safety. Photos courtesy of Bill Wilson.

Almost every article on safety starts with a review of numbers and accident information that must be so well-known it is like a baseball player who writes his batting average on the sleeve of his uniform. We know now, on the 50th anniversary of the Occupational Health and Safety Act (OSHA), there are still close to 2.5 million accidents a year in the United States, that accident costs are close to \$53 billion a year, and that the primary safety problems are in the areas of transportation, slip falls, contact with machinery and harmful materials, and the negative effects of overexertion. A significant change in generational records since the inception of the OSHA is the comparatively recent increase in workplace violence.

In the quest to improve safety, substantial attention has been given to root-cause analysis such as: errors and unintentional mistakes, poor judgment/bad decision-making, and a disregard for procedures. The natural response to these causative factors has been to enhance training, create safer work areas with better safety devices, and increase vigilance in both safety instruction and inspection. Each of these approaches have credibility and should be given continued attention. Unfortunately, many of these measures are implemented after the fact of some mishap or accident. We often get better at finding ways to “keep the horses in the barn” only after the chaos of some horses having escaped. Our efforts for better safety become more re-active than pro-active, and even the

proactive strategies that we create continue to be the result of analyzing a negative event that has occurred.

What if we added just one additional – and very sensible – safety element to our preventative and proactive approach? What if we understood, as we probably already know, that some individuals will have more of a propensity for being safe than others, and that this propensity tees up every other step in any safety process? And, most importantly, what if the propensity of an individual to be safer could be accurately measured?

A propensity is the outcome of our values; what we feel is important, vital, and necessary. I have a propensity to follow The University of Tennessee, Knoxville (UTK) football, not Australian-rules football. It is somewhat fun to

**The Judgment Index™
is an assessment
instrument
designed to
measure the
relationship
between values,
propensities,
evaluative
judgments, and
performance
outcomes.**



Taken at a Talladega 500 race by Bill Wilson, CEO of Judgment Index™. Poor judgement regarding safety is everywhere!

watch the Australian approach, but I am not really “bought in,” committed, or engaged. Just like I have a propensity to follow UTK football, I also have a propensity to look before I leap, absolutely the result of some pretty painful falls. To ensure I don’t experience that pain again, I am careful now; I’ve learned by lessons, and I have become very engaged and committed to looking and analyzing the situation carefully first. I evaluate leaping situations in a safer manner.

How can you measure the propensity of a person to be and act safely? The Judgment Index™ is an assessment instrument designed to measure the relationship between values, propensities, evaluative judgments, and performance outcomes. As a tool, it is not interested in measuring IQ/rational intelligence, psychological balance, or personality. What it does measure are those driving values which will cause a person to “lean” in the direction of good and safe judgment versus bad and unsafe judgment. Like the song “Do-Re-Mi” from the iconic movie The Sound of Music, we believe it is important to “start at the very beginning, it’s a very good place to start.” One’s personal values that drive the safety

judgments we make and the actions we take are at the “very beginning” in the world of safety.

The General Judgment & Safety Report is derived from the Judgment Index™ assessment. It takes roughly 10-minutes to complete and provides key specific measures to the following seven safety areas of concern:

1. Awareness: the degree to which a person will notice and “pick up on” the small dynamics of situations and circumstances that surround them in the work environment.
2. Focus: the degree to which a person will stay focused on the task at hand, and not become distracted or thought-scattered.
3. Following Directions: the degree to which a person will place value and importance to following instruction, protocol, and procedure.
4. Work-side Stress: the degree to which a person will be encumbered by stress occurring at work.
5. Self-side Stress: the degree to which a person will be encumbered by stress occurring in their personal lives, which is a major contributor to work-related accidents.
6. Care of Surroundings: the degree to which a person will have a strong

sense of their work environment and will work to maintain an uncluttered and safe working area.

7. What is Important: the degree to which someone will have an ability to distinguish between that which is vital and that which is incidental; the propensity to accentuate the vital, and mitigate unnecessary “rabbit trails” that lead to nowhere important.

Imagine being able to have analytical, data-based information on these seven key safety values before a person ever comes on the job, sits down on a piece of machinery, or begins to operate a piece of equipment. Instantly, there would be an understanding of what this person is inherently good at, where they can improve their safety level, and how to best communicate with them. Supervising them would be easier with the knowledge of where safety instruction should be focused. Safety begins with a greater clarity about propensity for good judgment and safety. **I**

C. Stephen Byrum is the President and Chief of Subject Matter/Content Development for Judgment Index™.

Picking Your Poison: Dispute Resolution Clauses

By Fred Lyon, The Lyon Firm

One thing that has remained consistent in construction probably since the Egyptians first built the pyramids is the seemingly inevitability of disputes. Scope, changes, schedule, payment, and quality encompass just some of the issues that typically lead owners and contractors to end up less than the best of friends. Sadly, dispute can be as much a part of a job as bricks and mortar.

In recognition of this harsh reality, modern contracts frequently provide for a dispute resolution clause: what the parties agree will happen if they cannot negotiate or otherwise settle an issue between or among themselves. These clauses take infinite forms, reflecting the respective bargaining power of the parties and likely their past experiences in the various forums available for the resolution of disputes. Whatever their particulars, most such clauses will address the structure of dispute resolution, the venue for resolution, the issue of attorney fees, and the availability of a jury trial.

Structure is the most fundamental component of a dispute resolution clause. Underlying all such clauses is an implicit recognition of the extraordinary cost and delays too often associated with the litigation in the American system. If a case goes all the way through trial, the parties can spend thousands, if not millions, in legal and expert fees. A rough rule of thumb on complex cases is expenditure of 35-45 percent of the amounts in dispute in payments to the attorneys. Delays of several years before a trial can be held are more the rule rather than the exception. As a

result, most dispute resolution clauses will mandate other approaches before the parties plunge into the abyss of the American legal system.

The first alternative to ultimate litigation is structured negotiation of a dispute between the parties. These mandated negotiations can themselves be tiered, for example, requiring the respective project managers to negotiate a claim within a certain time. If they are unable to resolve, then the negotiations are kicked up to a higher level, again with a time limit for resolution. On major jobs, it is common for there to be a third level of obligatory negotiations between senior executives.

If negotiations fail, many dispute resolution clauses then mandate

mediation, again before descending into litigation (or arbitration as discussed below). Mediation is another form of negotiation, this time facilitated by an outside third-party mediator. It has gained considerable popularity in the last thirty years as the costs of litigation have skyrocketed. Key to the process's success is finding an experienced and skilled mediator. The mediator does not make a decision as to the merits of the dispute. He or she listens to the parties' respective assessments of their cases, identifies the parties' interests, and evaluates (based on his or her experience) possible settlement alternatives. Using shuttle diplomacy, the mediator works with both parties to arrive at a mutually acceptable (or



mutually unacceptable) compromise. Done right, mediation can be a cost-effective way for the parties to put a dispute behind them and go on about their business without litigation.

Such is the misery of litigation that some dispute resolution clauses provide for arbitration as an alternative. Arbitration involves the selection of usually one to three arbitrators to hear the dispute, often chosen from a list provided by organizations such as the American Arbitration Association. These arbitrators usually have experience in the construction industry and may or may not be lawyers themselves. This expertise is supposed to lead to more informed decisions. Arbitration is like litigation in that the parties each present their cases in a hearing under oath with the presentation of evidence and exhibits. The clause may also provide that unlike litigation, arbitration have limited discovery, thus streamlining both the time and expense of the hearing. However, if unlimited discovery is allowed, then arbitration can be as complex as litigation. Arbitrations do not provide the opportunity for appeal except in very unusual circumstances.

After all else fails, then a dispute resolution clause can ultimately lead to litigation. But even then, the parties can provide for the shape that litigation will take. A key component is choice of venue or the jurisdiction where the case will be heard. In some cases, a project can be in one state and the dispute resolution clause may provide for venue and jurisdiction in another state entirely (note these clauses are not always enforceable, best to check out the law in the state where the project is before agreeing to venue and jurisdiction). By stipulating another jurisdiction, one party may be trying to gain home court advantage. The most logical place for resolution is the place where the project is located.

A common misconception about American litigation is that the prevailing party is awarded its legal fees, to be paid by the loser. Such is the case in the United Kingdom (the

so-called English rule) but not in the United States where each party pays its own lawyers regardless of result. Consequently, some dispute resolution clauses seek to address this by providing that the party who wins in litigation (or arbitration) will be paid its fees by the loser. The presence of such a clause can increase the likelihood of litigation because a party can be so convinced of the merits of its position that it is willing to risk litigation with the hopes it will not have to pay legal fees. The downside of this confidence is the inherent riskiness of litigation with results not subject to guarantee.

An additional component of a well-crafted dispute clause is a waiver of jury trial. Whatever their noble roots in the English common law system, modern American juries are notoriously unpredictable and their decisions inexplicable (no need to discuss any of the cases over the last thirty years that demonstrate this reality). Moreover, construction

disputes are often complex and the average American juror ill-equipped to understand, much less decide, a technical construction issue. Hence dispute resolution clauses may unequivocally provide that both parties waive a jury trial if the dispute makes it to litigation.

These are some of the characteristics of a modern dispute resolution clause. There are no limits on what the parties can creatively agree to. However, keep in mind without a dispute clause, the default will be litigation, possibly before a jury, with both sides to bear their own costs and fees. Experience suggests that is the least efficient way to resolve the inevitable disputes. Time spent upfront structuring a more economical alternative is time well spent. **I**

Fred Lyon is a construction attorney and mediator with over 35 years of experience in contract drafting and dispute resolution. Learn more at www.lyonfirm.com.



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Mitsubishi Power: Fulfilling Its Blueprint for Decarbonization

Mitsubishi Power Americas, headquartered in Lake Mary, Florida, is a key player in the energy transition. As utilities, corporations, and governments race to combat climate change, they face complex regional issues and economic obstacles. That's why Mitsubishi Power developed its Blueprint for Decarbonization that shows how industry and the larger society can reach a net-zero carbon future without compromising on clean, affordable, accessible, and reliable electricity, with three principles:

- Ensure clean, reliable electricity throughout the energy transition so that as we decarbonize the grid, we do not compromise on resource adequacy.
- Incentivize technology adoption by lowering costs so everyone can afford low-carbon electricity and benefit from the prosperity that electricity can bring.
- Foster unprecedented collaboration to achieve an outcome greater than any one company or country can.

Mitsubishi Power is living by and freely sharing this blueprint as it pursues energy transition solutions such as hydrogen power generation and energy storage through partnerships and alliances.

Developing new infrastructure

In 2019, Mitsubishi Power and Magnum Development announced the Advanced Clean Energy Storage project, the world's largest industrial green hydrogen hub. All major contracts for this hub in Delta, Utah, are secured, including engineering, procurement, and construction; major equipment suppliers; and operations and maintenance providers.

In June 2022, the U.S. Department of Energy's (DOE) Loan Programs Office closed a \$504.4 million loan guarantee to the project. This was the DOE's first loan in more than 10 years for a renewable energy project, and the hub is now the first globally to reach financial close.

The hydrogen hub will use electrolysis to produce green hydrogen, which is hydrogen produced from renewable energy. The green hydrogen will be stored onsite in two underground geological salt caverns, each capable of storing 150 gigawatt hours of energy.



Mitsubishi Power and Georgia Power, alongside the Electric Power Research Institute (EPRI), successfully validated 20 percent hydrogen (by volume) fuel blending at Plant McDonough-Atkinson in Georgia. From left to right: Prasanth Thupili, SVP, Power Generation Services, Mitsubishi Power Americas; Mark Bissonnette, EVP and COO Power Generation, Mitsubishi Power Americas; Allen Reaves, SVP and Senior Production Officer, Georgia Power; Scott Cloyd, Gas Turbine Service Engineering Chief Engineer, Mitsubishi Power Americas; Bill Newsom, President and CEO Mitsubishi Power Americas; Josh Hicks, VP, Service Operations US/Canada, Mitsubishi Power Americas. (Credit: Mitsubishi Power)

"This long-duration energy storage capability will help improve resource adequacy and decrease total system costs by enabling seasonal shifting of renewable energy," explained Bill Newsom, Mitsubishi Power's President and CEO. "Excess renewable energy will be captured rather than curtailed and dispatched to the grid as needed."

The Advanced Clean Energy Storage hub will supply hydrogen to the adjacent Intermountain Power Project (IPP) Renewed. This 840-megawatt combined-cycle gas turbine power plant was the first to order hydrogen-ready gas turbines as part of a sequential plan to move from coal to natural gas, to a blend of hydrogen and natural gas, and eventually to 100 percent hydrogen. It will operate two Mitsubishi Power M501JAC gas turbines on a blend of 30 percent green hydrogen and 70 percent natural gas by volume starting in 2025, increasing to 100 percent green hydrogen for carbon-free power generation by 2045.

Retrofitting existing infrastructure

Not only is Mitsubishi Power making history developing new hydrogen infrastructure at scale, it is also making history validating the retrofit of existing gas turbine infrastructure to operate on a hydrogen fuel blend. In June 2022, Mitsubishi Power and partners Georgia Power, Southern





Company, and the Electric Power Research Institute (EPRI) completed the world's largest hydrogen fuel blending validation at Georgia Power's Plant McDonough-Atkinson in Smyrna, Georgia.

This project was the first to validate 20 percent hydrogen by volume fuel blending on an advanced class gas turbine in North America, and the largest test of this kind to date. The 20 percent blend provides approximately 7 percent reduction in carbon emissions.

Implementing complementary technologies

For other intermittent power generation to continue to grow as part of the new energy mix, Mitsubishi Power provides solutions to supplement renewables using gas turbines and battery energy storage. Mitsubishi Power's gas turbines support renewables with stable, reliable power generation, both distributed and on the grid. Various gas turbine models address grid resiliency and emergency power to maximize responsiveness to renewables' intermittency with rapid dispatch capability.

Mitsubishi Power also supports renewables' growth and adoption with battery energy storage systems (BESS). BESS provide four to six hours of storage duration, so they complement hydrogen energy storage, which can store energy for days, weeks, or even seasons. The company's turnkey Emerald storage solutions can be co-located with renewable

The Advanced Clean Energy Storage hub celebration in Delta, Utah: (from left to right) Ryan Laske, Federal Project Engineer, Department of Energy Loan Programs Office; Roger Blair, President, WSP; Bill Newsom, President and CEO, Mitsubishi Power Americas; Michael Ducker, Senior Vice President of Hydrogen Infrastructure for Mitsubishi Power Americas and President of Advanced Clean Energy Storage I; Craig Broussard, President and Chief Executive Officer, Magnum Development, and Chairman, President and Chief Executive Officer of ACES Delta; Lazlo von Lazar, President of Energy and Process Industries, Black & Veatch; Greg Huynh, Operating Agent Manager, Los Angeles Department of Water and Power.

generation to reduce curtailments; deploy electricity in less than one second to prevent power disruptions due to extreme weather events or shortfalls in renewable generation; respond to fluctuations in grid frequency to protect infrastructure components; and add capacity to satisfy peak demand.

"Regions that have reached high renewables penetration benefit from battery storage," explained Newsom. "We have various projects in Texas and California in the U.S. and will soon be deploying projects in Chile and Ireland."

Collaborating through joint development

Mitsubishi Power also collaborates with partners through joint development agreements reaching beyond the power industry in unique ways to bring economies of scale. Reaching beyond the power industry, Mitsubishi Power collaborates in unique ways to bring economies of scale. It works with DT Midstream, which has expertise in energy infrastructure development and operations, to decarbonize utility, transportation, and industrial sectors.

Mitsubishi Power has a synergistic collaboration with Texas Brine to develop hydrogen storage. The collaboration will locate storage close to major load centers in the Northeast, Mid-Atlantic, and Gulf Coast. This expanded infrastructure for clean energy resources will benefit not only power, but also transportation and manufacturing, which are also targeting net-zero carbon emissions.

"The energy transition requires multiple technologies, multiple entities, out-of-the box thinking, and unprecedented collaboration to reach aggressive decarbonization goals," Newsom recapped. "Mitsubishi Power is living by and freely sharing its Blueprint for Decarbonization to stimulate thinking and action on this important task."



Bill Newsom, President and CEO, Mitsubishi Power Americas, and Scott Jones, Managing Director, Haddington Ventures, congratulate each other at the Advanced Clean Energy Storage hub celebration. Photos courtesy of Mitsubishi Power.

For more information about Mitsubishi Power Americas, visit <https://power.mhi.com/regions/amer/>.

Engineering Confidence into Every Build



In 1919, Ernest Tribe and Dr. Henry Hele-Shaw filed a patent for an extraordinary pipe joining method to fast-track the deployment of water and fuel to allied troops during World War I: the mechanical coupling. The concept of joining pipe with bolted mechanical couplings with a gasketed seal retained by a groove on the pipe was groundbreaking. One hundred years and more than 3,200 patents later, Victaulic has grown to be the world's leading innovator and manufacturer of mechanical pipe joining and flow control solutions.

Victaulic's industrial legacy

The mechanical pipe coupling design introduced the piping industry to an efficient, more economical way to assemble pipes quickly and safely. Mines were one of the earliest applications for Victaulic products, as early as the 1920s. Easy to assemble, disassemble, move, and reuse, with the ability to be installed in a fraction of the time, Victaulic pipe couplings quickly

When a Florida-based power plant needed a solution to support the design and installation of a fish return system, they partnered with Victaulic to ensure performance, reliability, and accessibility.

became the standard method of joining pipe in industrial applications including utility services, process piping, critical infrastructure, and transport pipelines. The introduction of rigid mechanical pipe couplings accelerated adoption in commercial construction in the mid-century, but it's the culture of innovation and continuous commitment to listening to customers and delivering unique engineering solutions that set Victaulic apart.

Project partnership

From Rio Tinto Mines and the Hoover Dam to the Chevron Tengiz Project, Victaulic is trusted in highly critical and demanding applications around the globe. With over a century of engineering excellence and proven success in a diverse range of applications, Victaulic develops groundbreaking, value-engineered piping solutions for the evolving construction landscape.

"The pressures on project delivery are more extreme than ever before," says Jim Renner, Vice President at Victaulic. "That includes safety performance, risk reduction, availability and quality of craft labor, supply chain strains, dramatically compressed schedules and more. Clients are aggressively seeking ideas, methods and innovations that will impact these issues. That's where Victaulic fits. We are a piping innovation company who helps solve complex engineering and constructability challenges, and does so on the foundation of a proven technology with billions of installed references for more than a century."

Recent Victaulic projects

Large amounts of water from a local bay were to be used to support the cooling system at a Florida-based power plant.¹ A fish return system made of fiberglass reinforced pipe (FRP) was to be designed and

constructed to protect the aquatic ecosystem. While traditional joining methods for FRP can be challenging and time-consuming, Victaulic was able to provide a faster, safer, and easier method. Additional value in the form of thermal movement accommodation and easier access for future maintenance were also provided.

The Luce Bayou Interbasin Transfer Project is a water supply project that includes a pump station, pipeline, a settling basin and maintenance facility, and miles of canals.² The challenges of this project included delivering a pig retrieval station, which would accommodate forces and differential settlement, within a small footprint while minimizing safety risks and reducing downtime for maintenance. Through the partnership efforts of all parties involved, the challenges were overcome and the ability for future expansion is now made easier.

The Northeast Water Purification Plant (NEWPP) is considered one of the largest design-build water treatment projects in the world. The project consists of a plant expansion, two pipelines, and an intake pump station.³ For the plant expansion, one of the major challenges faced was the accommodation of differential settlement between the pipe and the structures they entered and exited. These transition zones between surfaces would experience significant dynamic movement. Victaulic provided a simpler, more capable, value-engineered dynamic movement solution to achieve far better performance within a smaller footprint compared to alternative methods.

For the intake pump station, there was a significant challenge in designing for the anticipated thermal expansion and contraction of the exposed dual 108-inch transmission mains. Victaulic worked with the project team to provide a reliable connection that delivered on the speed and safety and the flexibility and thrust restraint needed.⁴

"What makes these projects successful is that they represent partnerships. Engagement with the owner and engineering design teams at the earliest stages of a project provided

Victaulic the opportunity to collaborate and innovate to uncover ways to address some of their biggest challenges; whether those were related to performance, installation, or schedule from a constructability standpoint," stated Renner. "Solving project challenges and helping clients achieve their goals, is our goal. Whatever success looks like for them, that's our mission."

To learn more about Victaulic visit us at www.victaulic.com.

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SCOAR News

TOPS WINNERS FOR 2021!

Less than or equal to 60,000 Work Hours Annually: Ethos Cricket Valley Thermal Power Plant

Pro Serv Industrial Contractors, LLC., award accepted by Brian Davis and Eric Allen.



Left to Right: Steve Immel, Duke Energy, SCOAR President; Brian Davis, Pro Serv Industrial Contractors, LLC.; Eric Allen, Pro Serv Industrial Contractors, LLC.; and Lance Simons, Haskell Company, SCOAR Safety Committee Chair.

More than 750,000 Work Hours Annually: Fern Solar Project

Wood, award accepted by Matthew Clark, Cody Johnson, and Matthew Nissen.



Left to Right: Scott Straight, LG&E KU Energy, SCOAR President; Matthew Clark, Wood; Cody Johnson, Wood; and Matthew Nissen, Wood.

More than 60,000 but less than 250,000 Work Hours Annually: Cope Generating Station Baghouse Rebuild

Graycor Southern, Inc., award accepted by Ryan Deter, John Paul White, Brian Gallagher, Shawn Buchanan, and Darryl Thornton.



Left to Right: Ryan Deter, Graycor Southern; Steve Immel, Duke Energy, SCOAR President; John Paul White, Graycor Southern; Brian Gallagher, Graycor Southern; Shawn Buchanan, Graycor Southern; Darryl Thornton, Graycor Southern; and Lance Simons, Haskell Company, SCOAR Safety Committee Chair.

Exceptional Facility Program Safety Award

Mitsubishi Power Orlando Service Centre, award accepted by Jim Kelleher, Anne Kingston, and Chris Robinson.



Left to Right: Steve Immel, Duke Energy, SCOAR President; Jim Kelleher, Mitsubishi Power; Anne Kingston, Mitsubishi Power; Chris Robinson, Mitsubishi Power; and Lance Simons, Haskell Company, SCOAR Safety Committee Chair.

SCOAR SCHOLARSHIP WINNERS FOR 2021 AND 2022!

The SCOAR Scholarship and Training Grant Program was established by SCOAR in 2010. Since then, over \$300,000 has been awarded to students and educational institutions, funded by member contributions and organizational investment of net revenues.

Within the 12-state "footprint" of SCOAR, over \$25,000 in contributions were made possible through member donations this year. These generous contributions were from Graycor Southern, NCCER/BYF, Southeastern Construction and Maintenance, Ironworkers/IMPACT, PTS Group, and the Southern States Millwright Regional Council.



Austin Trevino of Manatee Technical College in Bradenton, F.L., and SCOAR member, Aaron Cobb of PTS Group.



Aaron Cobb and Dave Quintano, Manatee Technical College in Bradenton, F.L., and their instructor.



Brandon Gilliam, Northeast State Community College in Kingsport, T.N., and his parents and staff/faculty of the college.



Rachel Le, University of Florida in Gainesville, F.L.



Cinthia Rodriguez, Kennesaw State University in Kennesaw, G.A.



Asia Lewis, recipient of the Moore Community House Women in Construction Program award in Biloxi, MS. She is with Debbie and Cliff Dickinson of Crane Industry Services, Jorge Rodriguez of DEWALT, and Rickey Moore and Logan Brown of the Southern States Millwright Regional Council.

Congratulations to our Training Grant recipients!



Lawson State Community College in Birmingham, A.L.



University of Arkansas Community College at Morrilton, A.R.



What Have Our Committees Been Up To?

Marketing and Fundraising for Scholarships & Events Committee

The SCOAR Marketing and Fundraising for Scholarships & Events Committee was established to help promote SCOAR and raise funds for scholarships. In 2022, the efforts of the Committee were focused on promoting SCOAR and attracting new members by development of a new branding campaign and associated brochure. The committee also began development of a LinkedIn page cover, a "value proposition" paper that would be the script for Membership Recruitment, Networking Event ideas for state-level engagement such as Chamber events, and additional fundraising ideas for the committee to discuss during meetings. Brian Gallagher of Graycor is the Committee Chair.

Safety Committee

The SCOAR Safety Committee completed the revised Target Outstanding Project/Program Safety (TOPS) Award Application for an organization to apply for "Program Recognition" similar to the project award. The committee also focused on enhancing resources on the SCOAR website for Safety professionals and developed links to provide strong support of SafetyWeek. David Emeigh of BrandSafway is the Committee Chair.

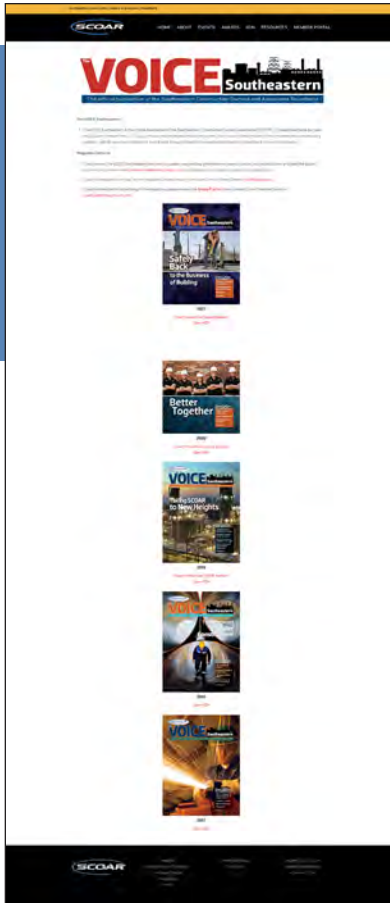
Workforce Development Committee

The SCOAR Workforce Development Committee has continued to focus on two major initiatives—the SCOAR Scholarship and Training Grant Program, and the development of a formal Mentoring Plan/Program. Since 2010, SCOAR has awarded over \$250,000 to students and educational institutions, funded by member contributions and organizational investment of net revenues.

The three-pronged approach provides:

1. Scholarships for college and university students pursuing Construction Management and/or Construction Engineering degrees;
2. Scholarships for students pursuing technical skills training through secondary, post-secondary and/or apprenticeship schools, to become Construction Craft Professionals; and,
3. Training Grants for secondary, post-secondary and/or apprenticeship programs to start a Career & Technical Education (CTE) Construction Program, or to enhance an existing program.

Secondly, the development of a formal mentoring program, to assist SCOAR members in the design, development, and implementation of effective workforce development activities. Utilizing a subcommittee to design the "roadmap" for development of the mentoring program, a draft has been released in the Workforce Development Committee web portal. Logan Brown with the Southern States Millwright Regional Council is the Workforce Development Committee Chair.



Check out all past issues of The VOICE Southeastern online: <https://scoar.org/magazines/>.

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Why Join SCOAR?

SCOAR fosters innovation and breakthrough thinking on issues related to industrial construction to improve your business performance.

SCOAR's dedication to learning is unique among associations serving the construction industry, giving you and your company the greatest return on the investment of your time and money.

Our membership is comprised of industrial facility owners, EPC companies, engineers, general and specialty contractors, labor and material suppliers, as well as service suppliers, educators, and consultants.

COMMITTED TO IMPROVEMENT

SCOAR provides a forum for the exchange of information, views, practices, and policies of its various members in the southeast. SCOAR is the ideal size organization for in-depth dialog and engagement with all industry segments.

SCOAR continues to drive for member company improvement by:

- Improving overall cost effectiveness;
- Advancing the latest technologies;
- Improving construction planning, management, and execution;
- Improving the motivation, training, and supervision of industry professionals, including skilled trades, engineers, and managers;
- Improving relationships between owners, engineers, and contractors; and
- Hosting meetings and an Annual Conference to share information, trends, and to provide networking opportunities.

HOW IS SCOAR DIFFERENT?

SCOAR is an interactive learning alliance of construction professionals.

- Spend your time learning and addressing interesting and challenging topics, not stuck working on the typical association-type committee.
- Benefit from an interactive learning environment focused around team-based exercises, subject matter experts, and collaborative discussions.
- Be a part of creating new methods and processes to tackle the typical construction issues and challenges.

Harness the creativity and experience the diversity. SCOAR brings together facility owners from different industries and all parts of the supply chain to address the issues that will improve business performance.

- Combine experience bases and methodologies from different industries to discover new solutions.
- Understand and incorporate perspectives from various parts of the supply chain to create comprehensive responses to construction challenges with great changes for success.
- Learn from construction professionals who have already "been there and done that."

Focus close to home, on southeastern construction market, for a practical and actionable experience.

- Concentrate on regional labor and supply trends where impactful solutions can be generated and implemented.
- Learn about and share information on capital projects in the southeast increasing insight into your market and identifying potential partnerships.
- Experience more powerful networking by meeting colleagues in your own area who are facing the same issues and environment.

Enjoy a collegial and "small group" atmosphere.

- Every member has a voice in the direction and focus of SCOAR. You help choose the focus!

- The informal and supportive atmosphere, where everyone is focused on learning, leads to a better and more fun way to accomplish objectives.
- Profit from a better approach to learning about and evaluating potential suppliers unencumbered by the pressures of the contracting process.

FOR OWNERS

Owners value the opportunity to efficiently network with multiple owners, EPC contractors, and engineering firms and vendors at a single event.

FOR CONTRACTORS

Contractors can gain visibility in the industry, and can share and learn best practices on safety, operations, technology, workforce development, quality, and business.

FOR SUPPLIERS & VENDORS

For suppliers and vendors, SCOAR is an excellent opportunity to engage and network with owners, contractors, and other suppliers and vendors.

FOR ACADEMIC INSTITUTIONS

For academic institutions, career and technical education (CTE) programs, and workforce development programs, SCOAR offers a forum to engage directly with industry and stay current with industry trends, information, and practices. In addition, academic members engage with industry for support, scholarships, internships, job placement, and research.

Join **SCOAR** to Start Networking With All Our Members!

- | | | |
|--|---|--|
| 1. 36Energy | 36. Gemma Power | 69. Sargent & Lundy |
| 2. Accurity Industrial Contractors | 37. Goodhart Sons, Inc. | 70. Scaff Source Scaffolding Solutions |
| 3. Adena Corp. | 38. Graycor Southern | 71. SNC Lavalin |
| 4. Alliance BD Group, LLC. | 39. Gulf Coast Industrial, LLC. | 72. Service Electric and Control, Inc. (SEAC of the Carolinas) |
| 5. Allied Power | 40. Gulf Coast Multi-State Pipe Trades District Council | 73. Southeastern Carpenters Regional Council |
| 6. AMECO | 41. Hargrove Engineers & Constructors | 74. Southeastern Construction & Maintenance |
| 7. Ansgar Industrial | 42. Haskell Company | 75. Southern Company |
| 8. Avalotis Company | 43. HazTek, Inc. | 76. Southern Industrial Constructors |
| 9. Bairstow Lifting Products | 44. Houston Area Safety Council | 77. Southern States Millwright Regional Council |
| 10. Ballard Marine Construction | 45. IMPACT/Ironworkers | 78. Sundt Construction |
| 11. Beyel Brothers Crane | 46. Incorp, Inc. | 79. Tampa Electric Company |
| 12. Black & Veatch | 47. Judgment Index | 80. Technical Field Services |
| 13. Bowen Engineering | 48. Kennesaw State University | 81. TEi Construction |
| 14. Brace Integrated Services | 49. Kiewit | 82. Tetra Tech |
| 15. Brand Safway | 50. Lake Cable | 83. The Roberts Company |
| 16. Burns & McDonald | 51. Lathrop Trotter | 84. Thompson Construction Group |
| 17. CCC Group | 52. Lee Mechanical Contractors, Inc. | 85. Tnemec Coatings Company |
| 18. CDG Engineers | 53. LG&E & KU Energy | 86. TOPS Field Services |
| 19. Caldwell Tanks, Inc. | 54. MAC Construction | 87. Tradesmen International |
| 20. Classic Industrial Services | 55. McAbee Construction, Inc. | 88. Traylor Industrial |
| 21. CM Labs | 56. McHale & Associates | 89. Turner Industries |
| 22. Contractor Service & Fabrication, Inc. (CSFCO) | 57. Mitsubishi Hitachi Power Systems | 90. United Rentals |
| 23. Crane Industry Services | 58. Moody Engineering | 91. United Engineers & Constructors |
| 24. Crane Inspection & Certification Bureau (CICB) | 59. Moretrench | 92. United Group Services |
| 25. Crowder Industrial Construction | 60. National Steel City | 93. Unitherm, Inc. |
| 26. Day & Zimmermann | 61. NCCER | 94. Universal Plant Services |
| 27. DEWALT Manufacturing | 62. Pro Serv | 95. Vesta Industrial Contractors |
| 28. Diamond Technical Services | 63. PPM | 96. Victaulic |
| 29. Duke Energy | 64. PTS Group – Performance Technical Services | 97. WG Yates |
| 30. Electro Design Engineering | 65. Riley Power Group | 98. W.W. Gay Mechanical Contractor |
| 31. Environment One Corp. | 66. Road Dog Jobs | 99. Wood |
| 32. F&M Mafco | 67. Rockwell Technical Insulation | |
| 33. Ferguson Industrial Group | 68. SEFA Industrial Solutions | |
| 34. Fluor | | |
| 35. Garney Construction | | |



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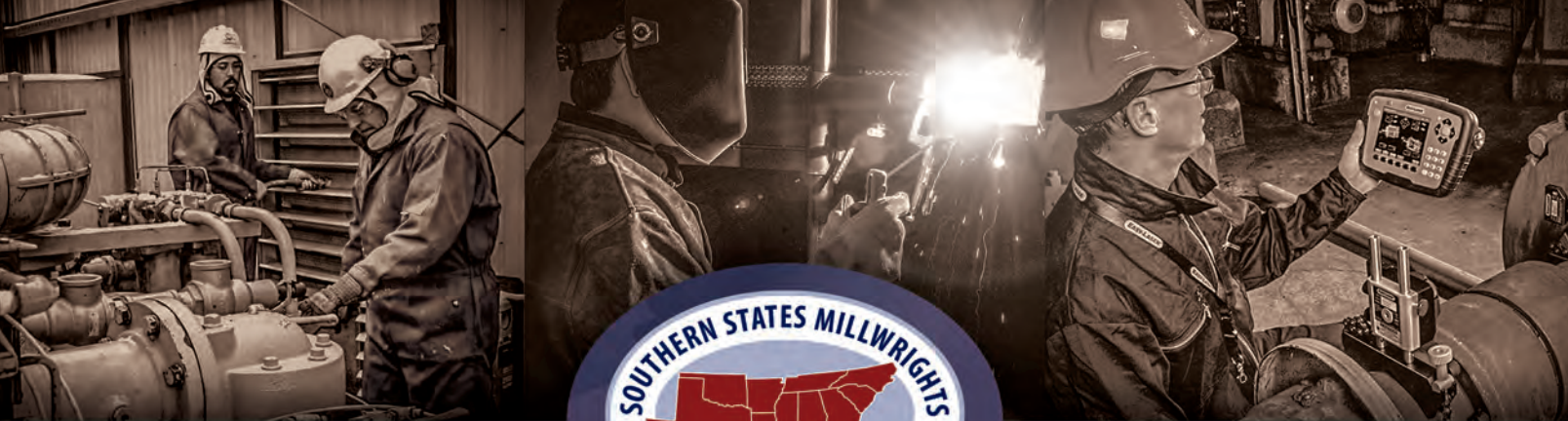


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