



Quality People. Quality Projects.

Barreling into 2018

January went by in a blur – even though I could have said “brrr”! Spring is right around the corner and the construction market never cooled off! I expect 2018 to be every bit as extreme as 2017 was in both pressures from the jobsites and owners pressing for unrealistic completion dates due to the usual trouble in finding adequate subcontractor pricing and availability. In a way, these are good problems to have. Overall, it’s a good time to be in the construction business!

The Ohio Legislature continues to dabble with important issues like unemployment compensation equity and adequate security in funding for the future. This long-term problem has solutions that can be found and should be shared equally by the employer and labor. Look for this tug-of-war to continue throughout the year.

Capital expenditure legislation will be introduced and likely passed in the spring. The funding levels will be more reflective of tight state finances and will hover around the previous budgeted requests.

All statewide offices are on the plate for 2018. This includes what’s going to be an all-out venture to wrest away control from the Republicans by an energized group of Democrats. At the top of the GOP ticket we’ll undoubtedly find Mike DeWine (current Attorney General) and Jon Husted (current Secretary of State) who married their respective campaigns a few months ago. The real shootout will be in the Democratic party where I anticipate a nose-to-nose slugfest between former Cleveland Mayor, Dennis Kucinich and former statewide office holder (Attorney General) and President Obama’s Consumer Financial Protection Bureau, Richard Cordray.

It’s going to be an interesting year! As I stated last year at this time, with Donald Trump as President it will be a wild and bumpy ride. He hasn’t disappointed that prediction yet. Ohio will also be in the thick of things as the statewide office battles begin.

PROJECT SIGNAGE UPDATE

With the recent notification of the sunset of the Ohio School Facilities Commission (OSFC), the Ohio Facilities Construction Commission (OFCC) has been in the process of updating documents/specifications.

The following documents have been recently updated, and will be included in the 2018 edition of the *Ohio School Design Manual (OSDM)*: K-12 Dedication Plaque; K-12 Drawing Title Sheet Boilerplate; K-12 Specification Title Page; and K-12/Agency/Higher Education Project Signage. In the meantime, they can be found on the [OFCC website](#), and should be used on OFCC-funded K-12 projects. On Agency and Higher Education projects managed by OFCC, use the revised Project Signage layout.

Tuttle Construction Celebrates 90th Anniversary



1928-2018



Paul Crow

President/CEO

This year marks the 90th anniversary of Tuttle Construction, Inc. Tuttle Construction has been a valuable long-standing member of both AGC of Ohio and West Central Ohio AGC. Representatives from Tuttle Construction have been on both AGC's Boards of Directors since 1993 with Past Presidents Clyde Rauch and Paul Crow. Leaders from Tuttle have been both business associates and important contributors to AGC for several decades.

In 1928, Herbert U. Tuttle started his own general construction company, which then became incorporated in 1954. In 1968 Herbert's son, Thomas Tuttle, became President of the company and served in this capacity until he retired in 1991. By 1992, Clyde Rauch acquired all outstanding shares and became the sole owner, renaming the organization to its current moniker, Tuttle Construction, Inc. When Clyde retired in 2015, Paul Crow became President and CEO of the company he led a stockholder group to acquire all shares of the company.

The company was founded on family values and strong, honest work ethic. Even today, the Tuttle team is known for being innovative in its approach to building and ethical in its business dealings. Over 75 percent of its business is from repeat clients, a figure that is outstanding in the

Tuttle offers a wide range of construction services for the industrial, institutional and commercial markets. Construction management services are also provided through Tuttle Service's subsidiary, Touchstone CPM. Over the years, Tuttle has also been awarded numerous local, state and national construction safety excellence awards.

According to President Paul Crow, these awards and the company's exceptional safety excellence is due to the overall organizational culture and attitude toward safety: "Safety should be paramount to everyone's life. Being safe is not simply a habit, but a lifestyle. We are very proud of our safety team, safety accomplishments and our overall safety record here at Tuttle." One example of this excellence in safety occurred in December 2016 when Tuttle Construction achieved one million hours without a Lost Time Accident, a significant milestone in the company's history.

Tuttle Construction is committed to networking people with people through enriching employee's lives by volunteering time and resources with a focus on our local communities and health programs. As a corporate citizen, Tuttle is committed to causes that align with our principles and those of our clients. Tuttle and our employees actively volunteer and contribute financially to a number of local and national organizations.



TUTTLE CONSTRUCTION

"Quality Management is a strategic issue . . . the old fashioned way of doing business with a new twist."

Since 1993, Tuttle has won six Build Ohio awards, and have been nominated as a finalist or honorable mention sixteen times; impressive achievements. Paul Crow mentioned that "the Build Ohio experience and winning multiple Build Ohio awards has certainly exposed us to more clients, particularly on a state and regional level." Tuttle is also one of the first companies in the construction and construction management sector to achieve the ISO 9001:2015 standard.

Tuttle Construction's current President, Paul Crow offered several statements in a recent interview regarding the anniversary. When asked what Tuttle's original founder, Herbert Tuttle, would think are the most significant differences between today's construction industry compared to years' past, Crow replied: "Certainly the technology in today's day and age would be a stark contrast. He would be astonished; innovations and tools such as cell phones, computers, AutoCAD, equipment and other such devices would not only surprise him, but how much these tools are relied upon in everyday construction would be quite the culture shock.

In his time, Herbert Tuttle was one of the great innovators in the industry, but he would be very surprised to witness the many competing interests in the construction and contracting industries in today's environment and culture." Paul was also asked what the most significant change is in doing business today versus in the past, and he stated: "simply the manner in which construction is purchased. There are a myriad of innovative contract options that involve several more parties with any given project, especially compared to how it was done in the past."

Moving forward, to stay competitive in the construction market, Paul stated, "We need to continually review and challenge our Building On Quality system, seek advanced training and educational opportunities, and actively promote our industry." As far as advice to leadership for new construction companies: "Leverage your strengths and manage around your weaknesses. It's a competitive environment, but with the will and determination, success is still achievable in 2018 and beyond. We hope to remain competitive and continue improving one day at a time."

Join with AGC of Ohio in congratulating Tuttle Construction on 90 years in business and wishing them many more years serving as an outstanding example of construction excellence.

OHIO BUSINESSES CAN OPT IN BY MARCH 1 FOR CENTRALIZED FILING OF BUSINESS TAX RETURNS; NEW MUNICIPAL TAX OPTION CAN REDUCE FILING COSTS

A new, optional municipal tax filing and collections system that allows businesses to centrally file and pay municipal net profit taxes through the Ohio Business Gateway is now accepting registrations. As businesses prepare for tax season, they should register to opt-in by March 1 to centrally file in 2018. The election is binding for one tax year.

The centralized filing option is great news for Ohio businesses that file quarterly and annual returns in multiple cities or villages. Ohio Tax Commissioner Joe Testa [estimates](#) the filing option will save businesses a combined \$800 million annually in compliance costs if all Ohio businesses participate.

A group of Ohio cities and villages filed two separate lawsuits in late 2017 that seek to kill recent municipal tax law reforms, but The Ohio Society of CPAs is confident the laws are constitutional as enacted, and the state of Ohio will prevail in moving ahead with centralized filing which will dramatically improve tax filing administration for thousands of Ohio businesses. On Dec. 21, the Franklin County Court of Common Pleas issued an agreed order giving cities additional time to reconcile their ordinances with the law, but said “all other provisions of House Bill 49, other than the Ordinance Reconciliation provisions, ***shall remain in full force and effect*** until or unless further order of this Court.”

Business taxpayers should register on ODT’s [website](#) to opt in for centralized filing. A business must register on or before the first day of the third month of a taxpayer’s fiscal year (March 1 for calendar year filers), and also notify each municipal corporation in which the taxpayer conducted business during the previous taxable year by sending [Form MNP MN](#) to each municipality.

Contrary to assertions, the new municipal tax laws will not reduce the amount of taxes businesses owe. They simply make it easier and less costly for taxpayers to comply with filing in numerous Ohio cities and villages. Participating businesses will file and make one payment of net profit taxes centrally through the Ohio Business Gateway. The Ohio Department of Taxation will then remit payments to the various jurisdictions where tax is due and handle all related administrative tasks, such as refunds and audits.

Since 2012, the [Municipal Tax Reform Coalition](#)—which includes AGC of Ohio, The Ohio Society of CPAs and many other employer associations representing hundreds of thousands of Ohio businesses—has worked to pass reforms aimed at fixing the most burdensome municipal tax system in the nation.

Related: [ODT video details municipal net profit tax administration, including how to opt-in.](#)

HAS YOUR COMPANY EXPERIENCED INCREASED PROBLEMS WITH THE AGENCY EXCLUSION OR OTHER PARTS OF OHIO’S CORPORATE ACTIVITIES TAX (CAT)?

It has come to our attention that over the last year, the Ohio Department of Taxation (the “Department”) has become increasingly aggressive in all CAT audits. In particular, the Department has narrowly construed the agency exclusion. Based on public record of its rulings, the Department has denied the agency exclusion in every case. Several cases are being litigated; some cases have been settled but the terms are not public.

Additionally, we have heard that the Department’s aggressive position is starting to be addressed in construction contractor audits. The Department appears to be ignoring the guidance set forth in its rule, and is arguing that the agency exclusion does not apply and that the reimbursable costs in a cost-plus contract are subject to CAT.

Please let AGC know if your company has had similar experiences or other problems with how the Department has been addressing the CAT. Contact Andrea Ashley at AGC of Ohio: cell 614-949-2739 or andrea@agcohio.com.

Background: AGC of Ohio took issue with the CAT prior to its enactment due to its “pyramid effect” in- the commercial building industry—a high volume, low margin industry with numerous tiered contractual relationships that results in a significant amount of project dollars being taxed multiple times by the CAT. AGC continues to advocate for a more reasonable application of CAT on the industry.

When the CAT first took effect, there were concerns about whether certain reimbursable costs a general contractor receives from its customer to pay the subcontractors may be considered taxable gross receipts for CAT purposes. Several contractors requested opinions from the Department and the industry reached out for guidance. The Department issued several opinions and ultimately issued guidance in the form of a rule setting forth the criteria they would apply to payments a general contractor pays to a subcontractor. Under the guidance, most cost-plus contracts would qualify for the agency exclusion because the general contractor is acting as an agent for the customer. In those cases, the reimbursable costs would not be subject to CAT. Reimbursable costs under a lump-sum contract are typically subject to CAT.

LEGISLATURE BACK TO BUSINESS; WHAT TO EXPECT IN 2018

The Ohio House and Senate are back at the Statehouse. Much of the buzz around Capital Square involves the upcoming elections—with all state's House and half the Senate legislative seats up for grabs, high-profile Ohio Congressional races, and statewide executive races. Combined with the political jockeying of two Republicans who want to be the next Speaker of the House... this should be a very interesting year.

Elections tend to impact policymaking. Expect legislators to pass necessary measures, and ones they can promote on the campaign trail (i.e. local project funding in the Capital Bill). More controversial issues are usually saved for lame duck (post-election to December 31, which gives voters at least two years to forget).

Capital Bill: The biennial spending measure that funds capital improvements and maintenance of structures is expected to be introduced next month. While details have yet to be made public, many anticipate the dollar amount to be less than the previous budget. It should pass both chambers quickly, and like the other capital bills under Kasich's Administration, without any contentious policy changes.

In addition to the upcoming Capital Bill, AGC continues to monitor many pieces of legislation that impact commercial builders. Among others, these include measures dealing with unemployment compensation, workforce development, prevailing wage, project labor agreements, building requirements, and workers compensation.

AGC CREATES SILICA INSPECTION REPORTING FORM

OSHA has not yet released the compliance directive and their interim enforcement guidance is incomplete. This could result in inconsistent enforcement across regions. If your jobsite has been subjected to an OSHA silica compliance inspection or silica compliance was assessed as part of another OSHA inspection, please consider sharing the details of the inspection with AGC of America by completing its [reporting form](#).

No identifying information will be collected. AGC of America will report the findings to OSHA's national office and use it to continue our advocacy efforts on behalf of the regulated community. Input will also be used to assist contractors with their compliance efforts. AGC of Ohio was among several AGC chapters who requested AGC of America create such a resource to share information as contractors try to deal with the rule.

U.S. APPEALS COURT UPHOLDS SILICA RULE

The U.S. Court of Appeals for the District of Columbia on December 22 [ruled](#) that OSHA had met legal requirements for determining what standards are economically and technically feasible. AGC of America was among the business groups challenging the rule, arguing that it was not economically or technically feasible for construction, foundry and hydraulic fracturing industries. At this time, AGC of America and the other business groups are reviewing the decision and evaluating their options. The final judicial recourse would be to appeal to the U.S. Supreme Court.

Silica Resources

AGC of America Silica Webpage: AGC developed the [“Respirable Crystalline Silica in Construction”](#) webpage with a host of resources—sample forms, webinars, flowcharts, FAQs, and more—to help AGC members understand their compliance responsibilities. Also includes the [Silica Inspection Reporting Form](#).

CEA Silica Program: Several AGC divisions in Ohio are participating as “Contributing Associations” in a [silica program](#) developed by the Construction Employers Association (CEA) to assist contractors with compliance, especially for tasks not covered under the Silica Rule's “Table One,” which requires sampling or the use of “objective data.” The program saves contractors thousands on silica sampling while simultaneously building a searchable sampling database for the construction industry to create “objective data.” Participating contractors can rely on the database in the future when managing employee safety and multiple-contractor activities where job tasks produce respirable silica emissions. Contact your local AGC division to see if the association is participating. Learn more at: www.ceacisp.org/safety/silica-sampling-objective-data-program.

SAFETY AWARDS

NATIONAL AGC SAFETY AWARDS (NASA) allows AGC contractor members to compare their safety statistics others of similar size and type and honors companies with low incidence rates. There is no cost to participate, and it only takes 5 minutes to fill out the [entry tabulation form](#) with your completed OSHA Form 300A Summary of Work-Related Injuries and Illnesses. Companies must participate in the NASA program for three consecutive years to be eligible for an award (2015, 2016, 2017 to be eligible for receive an award in 2018). ***If you have not entered those years, now is a great time to start so your company can be eligible in the future.*** Companies with zero incidence rates or rates 25 percent below their division average will receive Certificates of Commendation during the AGC of Ohio Safety Luncheon. Click [here](#) for more information; complete the entry tabulation form [here](#).

QUESTIONS? Contact Andrea Ashley at AGC of Ohio: andrea@agcoho.com or (614) 486-6446

AGC OF OHIO SAFETY MEETINGS

AGC of Ohio hosts quarterly safety meetings to provide an opportunity for safety professionals to network and share ideas and information.

Meetings are held from 9:30 a.m. to noon at the AGC of Ohio office in Columbus. Regular agenda items include OSHA regulatory and enforcement activities, workers compensation, AGC and divisions safety efforts, and pertinent safety health matters of interest.

The first two safety meetings for 2018 are scheduled for February 16 and May 11. Meetings are open to AGC of Ohio members and free of charge.

RSVP attendance to Andrea Ashley at AGC of Ohio: andrea@agcoho.com or (614) 486-6446.

BWC ROLLS OUT WORKPLACE WELLNESS PROGRAM

Wellness Program: Ohio BWC officials began canvassing the state Thursday to announce a new, free workplace wellness program that targets workers who are at greater risk for on-the-job injuries. Called [Better You, Better Ohio!](#) and sponsored by the BWC, the program's goals are to boost employee health, reduce workplace injuries, and save employers money on medical, legal and other costs associated with injury claims and poor health.

[Better You, Better Ohio!](#) will target employees of businesses with 50 or fewer workers in industries that experience higher injury rates on average than others like construction. Available February 1, it is funded by BWC's investment returns and operated by ActiveHealth Management. Enrollment is a simple, paperless process, and there is no charge to employers or employees.



ORDER YOUR LABOR LAW POSTERS TODAY!

The Associated General Contractors of Ohio has the new 2018 All-in-one federal and Ohio labor law poster available. The poster has been updated to include recent changes to mandatory federal and state posting requirements.

- All-in-one federal and state poster is \$10 plus postage
- For non-members, poster is \$15.00 plus postage

To place an order,
call Parker Brown at
the AGC of Ohio office at
(614) 486-6446 or
email parker@agcoho.com

Upcoming Events

AGC of Ohio Safety Meeting

Feb. 16th, 2018
9:30—12:30
AGC of Ohio office

BWC Safety Congress Meeting

March 7-9
Greater Columbus Convention Center

2018 AGC of Ohio Convention

March 11—17, 2018
Maui, Hawaii

Ohio Construction Conference

Wednesday March 14th
7a.m.—5 p.m.
Ohio Union

AGC of Ohio Safety Meeting

May 11th, 2018
9:30—12:30
AGC of Ohio office

ConstrucTalk

Do you have new employees or has someone received a promotion?

Has your company received an award or recently done anything newsworthy that you would like to share?

Send your information to Taylor Hobbs at

editor@agcoho.com



is a movement to generate pride and respect for the construction industry, and to recruit young people into the industry as a rewarding and valuable career.

www.ibuildohio.com



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1755 Northwest Boulevard
Columbus, Ohio 43212

Ph: 614-486-6446 • Fax: 614-486-6498

www.agcoho.com