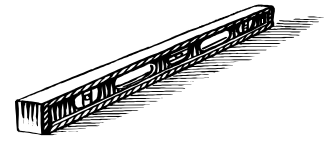


The Straight and Level

An Independent Newsletter from the
Home Builders Association of the Upper Rio Grande
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President's Message

Bob Van Iwaarden

Stimulus Stalking

Last week our company, two others from South Fork and six from around the state bid a project for the DOW which had the standard disadvantaged business enterprise (DBE) requirement in it that all government jobs carry with them. Over the years we have held several of these contracts and have barely met our goals. This job had no set percent goal

but you needed to show proof of a "good faith effort" should you be the winning bidder.

In bidding this job, I contacted 36 different trade subcontractors and suppliers of which 35 responded back, one of those saying they would not be bidding. Of those responding, I knew nine of them were owned by minorities or women but not one of them has pursued being certified as a DBE or WBE company.

If we had not been the 2nd low bidder but the low bidder, I would have been able to show a good faith effort but would not have been able to list anyone as a DBE subcontractor or supplier.

With the stimulus funds out there the government will be by far the largest building trades market for awhile. Several local projects are going to bid soon and some will be limited to bidders who are HUB Zone certified, businesses owned by veterans and others will carry DBE/WBE requirements and etc. These classifications are not super hard to achieve and could add several possibilities to many of you.

The government has given Colorado \$500 million for transportation, \$103 million to transit, \$37.3 million for six airports, \$49.2 million for energy efficiency and conservation projects, \$79.5 million for low income weatherization projects, \$66 million for water projects, \$68 million for various housing programs and up to \$30 million for superfund site cleanup of which Summitville is a large part and Moltz Construction of Salida has the current project about to start there.

These certifications and classifications will only become more critical as the government doles out this stimulus.

I have listed resources for government contract work.

www.sba.gov/hubzone/section05h.htm - Then click on Go to HUB Zone Certification.

Recovery.gov - The federal government's website for information about the stimulus program, including links on doing business with the government, updates on how money is being spent and news updates.

Recovery.org - Onvia, a company that helps businesses secure government contracts, has created its own stimulus funds tracking site. The homepage features a map of the U.S. that allows users to scan the work secured in each state. Click on Colorado, for example, and get information on 553 projects totaling more than \$3.5 billion. You can even see which counties are getting the most money: No. 1 is Jefferson with more than \$1.3 billion spread out over 207 projects.

Colorado.gov/recovery - The official state portal for Colorado information on projects backed by funds from the American Recovery and Reinvestment Act.

Hispanicbic.org - The National Hispanic Business Information Clearinghouse includes information universal to all small businesses, including tips on getting certified for government procurement and links to business and government sites.

Fbo.gov - The Federal Business Opportunities website is designed as a marketplace for commercial vendors and government buyers.

Esrs.gov - The website for the federal Electronic Subcontracting Reporting System includes a guide for filling out paperwork associated with subcontracting federal contracts.

Ccr.gov - The Central Contractor Registration website is the primary database the federal government uses to register companies that want to work with the government.

Bob Van Iwaarden



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Vehicle Safety and Seat Belt Myths

What do you do if you see your transmission in your rear view mirror?

If your vehicle breaks down and you can't get it off the roadway, turn on the emergency flashers, get everyone out of the vehicle and stand on the shoulder safely away from the traffic. If you can get your vehicle off the roadway, turn on the emergency flashers, move it to the shoulder and away from the guardrails. If your vehicle is safely off the road, stay inside it until help - in the form of a police officer or your road service vehicle - arrives. If someone else comes along, roll down your window only enough to ask him or her to call police.

- Raise the vehicle hood, tie a white cloth to a door handle or use reflective triangles.
- If you must walk to a telephone, keep your group together.
- Be cautious if someone seems overanxious to help, and avoid riding with strangers.
- If someone motions that your tire is flat or your vehicle is smoking, don't stop until he or she is gone. Try to get to a service station or a populated place.

Seat Belt Myths and Facts

Myth: My seat belt will trap me in the car if the car catches fire or goes underwater.

Fact: Only about one-half of one percent of accidents involves car fires or water. But even if you did have such an accident, wearing a seat belt makes it more likely that you would remain conscious- and able to get out of the car.

Myth: If I am not wearing a seat belt, I'll be more likely to be thrown clear in an accident.

Fact: You are more likely to be thrown out of the car if you are not wearing a seat belt. But it is not a good thing to be thrown from your vehicle. You are 25 times more likely to be killed if you are thrown out of the vehicle. You will probably be thrown through the windshield or door and into traffic or a tree.

Myth: I have automatic seat belts in my car, so I don't need a lap belt.

Fact: The combination of lap and a shoulder belt will keep you safe. Use them together. The lap belt will keep you in place so the shoulder belt can restrain you properly.

Myth: My car has air bags, so I don't need to wear a seat belt.

Fact: Air bags provide valuable protection, but they are not meant to be used alone. For one thing, in most vehicles, they only inflate in a head- on collision. To be safe in a rear or side crash, you need both a lap and shoulder belt. You also must wear a seat belt to stay in position and get the safety benefits of an air bag in a head-on crash.

Myth: I am just going a short distance. I don't need my seat belt.

Fact: There are more crashes – and more fatal crashes –on local roads than on highways. No trip is too short to be dangerous!

Myth: I usually drive a big truck so I don't really need to wear a seat belt.

Fact: Wearing a seat belt helps you to maintain complete control over your truck. Driving a big truck puts more responsibility on you to keep it on the road.

Myth: My boss doesn't make me wear the seat belt while driving the company vehicle.

Fact: It is the law!

Calling All Dinner Meeting Sponsors!

The sponsorship fee for HBA dinner meetings has been temporarily reduced for the remainder of the year as follows:

HBAURG members—\$100.00 plus two complimentary meals

Non-HBAURG members—\$150.00 plus two complimentary meals

If you would like to sponsor an upcoming fall/winter dinner meeting and profile your business or a new product, or if you know of a vendor who would like to sponsor a dinner meeting please contact Bee at 873-5440.



Notes from Bee

The HBAURG Newsletter is now available on the HBA website www.hbaurg.com. Current and past issues are available for viewing.

The Newsletter is now available via email in .pdf format. If you would like to receive the newsletter via email instead of regular mail please send your email address to Bee at hbaurg@aol.com

2009 HBAURG Board of Directors

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Vice President: Keith Helmstetler

Secretary: Ron Marx

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HBAURG Board Meetings are held monthly, 2 weeks prior to the Monthly Membership Meeting and Dinner, which is held the last Tuesday of the month.

Executive Officer's Report By Bee Marx

I-9 Audit Notices Issued at Record Pace as Reported in Nation's Building News Online for July 13, 2009

U.S. Immigration and Customs Enforcement (ICE) on July 1 issued formal I-9 Notices of Inspection letters to 652 businesses nationwide – 149 more audit notices in a single day than were issued in all of 2008. Businesses both large and small were targeted, with 40% of those being notified that they would be audited having fewer than 20 employees.

As reported in the May 11 issue of Nation's Building News, The Department of Homeland Security's new "Worksite Enforcement Strategy" is shifting the focus of immigration law enforcement from illegal workers to employers.

In anticipation of this new policy, NAHB advised employers "to faithfully comply with the I-9 verification process for new hires, to use current forms and to adhere to all record-keeping requirements in anticipation of an increased possibility that they may be subjected to an I-9 audit."

What is a Form I-9? Federal immigration law places an affirmative duty on employers to complete Employment Eligibility Verification Form I-9 to verify the identity and work authorization of all persons they hire. Employers are required to keep a completed Form I-9 on file for every employee (except those who were hired before November 7, 1986).

What is an I-9 Audit? ICE has the authority – without demonstrating any cause and without the necessity of obtaining a warrant – to inspect every employer's Form I-9 records to verify compliance and to check the accuracy of the forms.

This inspection is called an I-9 audit. Under the law, employers are entitled to receive a written notice of an audit three days before it is conducted.

What Penalties Can Be Imposed for Irregularities Discovered in the Audit? If any deficiency or illegality is found, ICE will issue a Notice of Intent to Fine (NIF) to the employer. Paperwork mistakes and omissions are subject to fines ranging from \$110 to \$1,100 per infraction. More serious violations involving the employment of illegal workers are subject to steeper fines, and even imprisonment of those who have engaged in a regular pattern or practice of willful violations.

What Proactive Efforts Can a Builder-Employer Take to Avoid Audit Penalties? It is highly recommended that builder-employers conduct regular internal audits of their records to re-verify the legitimacy and appropriateness of the documents on file, to confirm that all Form I-9s are accurate and complete and to assure that any temporary work authorizations have not expired.

Given the new enforcement approach of targeting employers, it is extremely important for builders to bring in legal counsel immediately if they receive an I-9 audit notice. Counsel should be present at all times during the audit, and any demands by an investigator should be referred to the attorney for appropriate action and response.

For further information, e-mail David Crump at dcrump@nahb.com or call him at 800-368-5242 x8491.

New Laws That Affect Home Builders

[HB-1091 – CONCERNING A REQUIREMENT THAT CARBON MONOXIDE ALARMS BE INSTALLED IN RESIDENTIAL PROPERTIES](#)

Beginning July 1, 2009, it will be mandatory that carbon monoxide (CO) detectors be installed in the following circumstances:

- Prior to the sale of all single-family homes (both new and existing) containing fuel-fired heaters or appliances, fireplaces, or attached garages;
- Prior to the sale of all multi-family dwellings (both new and existing) containing fuel-fired heaters or appliances, fireplaces, or attached garages;
- Prior to a change in tenant occupancy in all rental units containing fuel-fired heaters or appliances, fireplaces, or attached garages;
- When a building permit is obtained in conjunction with an interior alteration, repair, replacement of a fuel-fired appliance, or addition in a single-family or multi-family residence.

All CO detectors must be installed within 15 feet of the entrance to all sleeping areas except in the case of multi-family dwelling units used for rental purposes where a centralized alarm system is present. In this case, detectors should be placed within 25 feet of any fuel-fired heater or appliance, fireplace, or garage or in a location as specified in a building code adopted by a local government entity. City and county governments may adopt and enforce more stringent requirements for installation and maintenance of CO detectors than the provisions of the state law.

[HB-1149 - CONCERNING MEASURES TO ENCOURAGE THE CONSTRUCTION OF NEW HOMES THAT MAKE COST-EFFECTIVE USE OF SOLAR ENERGY](#)

Beginning August 10, 2009, all builders will be required to offer a solar option upgrade to buyers with whom they contract for the purchase of new single-family detached homes. Specifically, a builder must offer a buyer the opportunity to have the residence's electrical system or plumbing system, or both, include one of the following:

1. a residential photovoltaic solar generation system or a residential solar thermal system, or both;
2. upgrades of wiring or plumbing, or both, planned by the builder to accommodate future installation of such systems; or
3. a chase or conduit, or both, constructed to allow ease of future installation of the necessary wiring or plumbing for such systems.

The timing of the upgrade offer is at the discretion of the builder and may be made in accordance with the builder's construction schedule. Builders may treat solar options like any other upgrades, including requiring advance deposits and setting deadlines for customer selections. The law does not apply to existing sales inventory, model homes or spec homes that are constructed prior to the execution of a contract for the sale of the home.

The new law also requires that builders provide to every buyer under contract a list of businesses that offer residential solar installation services (compiled from the master list maintained by the Governor's Energy Office) so the buyer may obtain expert help on whether or not the home is a good candidate for solar installation. (The Governor's Energy Office is in the process of compiling the master list and as soon as it becomes available we will provide a link for your convenience.) Simply providing the list of contractors to a buyer will not constitute an endorsement by the builder of any installer or contractor listed. Further, builders will not be liable for any advice, labor, or materials provided to a buyer by a third-party solar installer. Builders have the sole right to determine which contractor may perform the installation of an upgrade should it be selected. Finally, the Governor's Energy Office will offer periodic training sessions for builders on residential photovoltaic solar generation systems or solar thermal systems.

Builders should contact their legal counsel for advice on documenting compliance (ie. signed acknowledgements from buyers, etc.) with the new law.

Have questions? Need help?

For additional information please contact Rob Nanfelt at the Colorado Association of Home Builders at (303)691-2242 or the Colorado Solar Energy Industries Association (<http://www.coseia.org/>) or the Governor's Energy Office (<http://www.colorado.gov/energy/>).