



Chapter Calendar

February 5	Anchorage JATC
February 12	Safety Committee
February 13	Board/Membership Meeting
February 14	Valentine's Day
February 18	President's Day

Tool Box Talks

February 04, 2008	Ceiling and Overhead Work
February 11, 2008	Circuit Breaker Panelboards
February 18, 2008	Cold Weather Safety
February 25, 2008	Commercial Vehicles

Action Alert Seeks Co-Sponsors For New Senate Bill To Repeal 3% Withholding

The top legislative priority for NECA and a growing chorus of other organizations is winning repeal of a wrong-headed law that otherwise will require that 3% be withheld from payments to contractors and vendors from government entities – federal, state, county, or city – beginning in 2011. That's why we recently sent out an Action Alert seeking support for The Good Government Contractor Act (S 2394).

This bill recently introduced by Sen. Norm Coleman (R-MN) would rescind Section 511 of the Tax Reconciliation Act which contains the onerous withholding requirement. Moreover, it addresses the reported rationale behind the 3% rule being snuck into the previous legislation – a “tax gap” supposedly caused by government contractors failing to pay their fair share.

Coleman's bill would amend the National Tax Lien Filing System (NTLFS) to create a tax conviction database to be used by government contracting officers to verify the good standing of their prospective contractors. Such a searchable tax lien registry would also go a long way in closing the tax gap and thereby offset any costs associated with the repeal of the 3% withholding.

Our recent Action Alert urges NECA members and chapters to alert their senators that the 3% withholding tax is unjust and would impose significant, unwarranted administrative costs on your their businesses and to ask the senators to co-sponsor S 2394. Here are three effective ways to communicate with the lawmakers in the Senate:

1. E-mail your senators by copy and pasting this link <http://vocusgr.vocus.com/grconvert1/webpub/neca/ManageIndividual.asp?Register=True&XSL=ManageIndividual>. Then, click on “Action Alerts” and click on “Support S. 394”

2. Call your senators. Then let NECA know that you made the calls with a simple e-mail, so we can follow-up with their offices in Washington.
3. Or, fax your senators your letter. Please copy NECA on any fax you send.

New Construction Documents – NECA’s Working for You

by John Grau

Occasionally I ask fellow NECA staff to tell the members what they have been working on. Dan Walter, NECA VP/COO recently submitted the following post on contract documents.

By: Dan Walter

Except for very small projects, the relationship between an electrical contractor and its customer (either owner or general contractor) is usually formalized by a contract. Such contracts detail the work to be performed, the amount the customer will pay for that work, all the requirements for communicating with the project’s stakeholders, and what will happen should either party to the contract not live up to their obligations.

Contract law is governed by state law, not federal law. Like many legal issues, contract documents’ language has evolved over many years. It is based on the experiences of owners and contractors and the decisions made by the state courts that hear contract cases. Many organizations have developed model documents as “best practice” guides, and for the purpose of making good documents available for any construction project in a cost-efficient manner.

More than 115 years ago, the American Institute of Architects (AIA) began offering model documents. AIA revises its construction contract documents every 10 years. The reason for the long time between revision cycles is to allow construction contractors, construction users and the legal community time to become familiar with the documents and to get feedback, often from legal decisions, from their use. NECA has been an active participant in this revision process for more than 30 years. The AIA contract documents available today are good, solid documents that contain fair terms and conditions for subcontractors. The *AIA A401-2007 Standard Form of Agreement between Contractor and Subcontractor* is the document most electrical contractors might be offered when performing work as a subcontractor.

Recently, a new coalition began offering model construction contracts. *ConsensusDOCS* as the group and their documents have come to be known, is a collection of 20 trade associations representing owners, contractors, subcontractors, designers and sureties. NECA is a participant here, too. *ConsensusDOCS* includes more than 70 documents and forms, and *ConsensusDOCS 750, Contractor-Subcontractor Agreement*, is the form most likely to be seen by electrical contractors.

So why have two families of contract documents? For one, construction delivery methods keep changing. Design-Bid-Build, Design-Build, and variations of those methods require different contracts to reflect the different relationships among the stakeholders on the project. For another, the language of each set of construction documents reflects the perspective of its developers. Electrical contractors must be prepared to deal with contracts whether they are based on nationally developed models or locally drafted.

Our industry is constantly in motion, and contract documents evolve along with it. As Building Information Modeling (BIM) and other collaborative techniques are adopted in construction, contract documents will likely continue to evolve to address issues that arise. And NECA will continue to represent the interests of electrical contractors as these forms are developed.

NECA Announces 2008 Events

The 2008 calendar for the National Electrical Contractors Association includes the electrical construction industry's premier event, the NECA Convention and Trade Show in Chicago, Oct. 4-7, as well as some fresh additions.

NECA will host its inaugural Legislative Issues Conference, April 28-May 1, in Washington, D.C. "This conference is an opportunity for NECA contractors to put a constituent's face on issues like the unfair 3% withholding tax for their members of Congress," said Lake Coulson, NECA executive director for government affairs. In addition to meetings on Capitol Hill, NECA contractors will discuss policy with administration officials and hear political prognostications from Stuart Rothenberg, editor and publisher of the Rothenberg Political Report.

Information about the NECA Legislative Issues Conference and regional NECA events is available at www.necanet.org.

2008 NECA Calendar of Events

** The following events are open to members of the association and invited industry colleagues. For questions about event press credentials, contact Beth Margulies, beth.margulies@necanet.org, 301-215-4526.*

Labor Relations Conference

Mar. 26-28

Royal Sonesta Hotel, New Orleans

Leaders from management and labor in the electrical construction industry come together to discuss successful strategies for workforce development, worksite safety, and future market developments.

Contact beth.margulies@necanet.org.

NECA Legislative Issues Conference

April 28-May 1

Hyatt Regency, Washington, D.C.

NECA's first national legislative conference gives member contractors the opportunity to put constituents' faces on the issues affecting their businesses and communities for members of Congress and other legislative leaders. Contact nicole.blosse@necanet.org.

NECA Annual Convention and Trade Show

Oct. 4-7

McCormick Convention Center, Chicago

NECA 2008 Chicago is the premier event for the electrical construction industry, bringing together the education, products, services, and networking opportunities that electrical contractors need to make their companies successful. Information at www.necaconvention.org.

Contact Information

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FUTURE SCHEDULE OF EVENTS.....

October 4-7, 2008

NECA Convention/Chicago, IL

September 12-15, 2009

NECA Convention/Seattle, WA

