FALL 2010 BUSINESS MEETING

The 2010 Fall Business Meeting of MICA is scheduled for Wednesday, October 20, and Thursday, October 21, 2010, in Omaha, Nebraska. Board and Committee members should plan to arrive on Tuesday, October 19, 2010. The site of this fall’s meeting is the Embassy Suites Downtown Hotel in Omaha. This will be our fourth year at this hotel. The hotel is located across the street from the Old Market area. The Old Market area has numerous restaurants and bars for your entertainment pleasure. The hotel provides complimentary shuttle to and from the airport for those of you who will be traveling by air. The hotel is located at 555 South 10th Street. If you will be driving, follow I-80 to I-480 East toward downtown/Council Bluffs. Take the 14th Street exit. Go two blocks south on 14th to Douglas Street. Turn left on Douglas Street for four blocks. Turn right (south) on 10th Street for two blocks. The hotel will be on your left at the corner of 10th and Howard. There is parking in the back of the hotel. Hotel parking is $8.00 per night.

This year’s fall business meeting will include updates and discussions on several topics crucial to your business operations. The technical sessions will include presentations on owner controlled and contractor supplied insurance programs, the contractor/associate member relationship – How does the contractor/owner view the role of the associate member material procurement process, how a specifying engineer goes about designing and specifying the insulation in a project, OSHA updates, and a presentation on how to make sure that you are in compliance on Prevailing Wage and Davis-Bacon projects. We will focus on providing the membership with new insights on these issues in order for you to “Be Informed and Be Involved” in your industry.

This year’s presenters bring a wide and varied background of experience and expertise to our meetings. **Mike Henry** with Clay and Land Insurance Company in Memphis, Tennessee, has been involved in the insurance industry for the past 28 years. Mike received his undergraduate degree from the University of Arkansas in 1982. He earned his National Association of Surety Bonds Level II status in 1984 and became an Emergency Medical Technician (EMT) in 2010. Mike is a member of both the ABC and AGC. He is the Executive Vice President of the Construction Division for Clay & Land. Mike will give us a layman’s perspective on Owner Controlled and Contractor Controlled Insurance Programs.

**Scott Harmon** is a Technical Specification Engineer in the Kansas City office of Black & Veatch. Scott received his Mechanical Engineering degree from the University of Missouri in 1983. He is a licensed professional engineer in the State of Missouri. He has a Bachelors of Science degree in English for the University of Missouri-Rolla, and speaks Japanese fluently. Scott is involved with procurement/technical specifications throughout most of his career with Black & Veatch. He has played a significant role in the development of ASPEC, Black & Veatch’s first computer-aided procurement specification production tool, and he had the lead role in the development of PowrSpec, ASPEC’s successor. Scott will share his views regarding the specification and execution of the

(Continued on page 3)
PRESIDENT’S MESSAGE

TO: THE MICA MEMBERSHIP

A method of “Sales and Marketing” that I would like to share with our members is the use of the Formal Proposal during the process of entering into a contract with clients.

After all the effort and expense to become a qualified bidder have been spent, the trips to the project site or the laborious effort of developing a quantified proposal have been completed; we then, as contractors, assemble our proposal for consideration. While we cannot prohibit our clients from flipping to the price page in their overwhelming curiosity to see the bottom line cost, we can use the proposal as a sales tool. We may even be able to differentiate our companies from the competition, at this point, in the “Buy” process.

I am not talking about the “fluff” that we can assemble and put within the proposal binder, I am talking project specific information and things that, if the client is really committed to the best value, and not just price, can set us apart and make us more professional in our approach.

I have listed a few of these items below:

- Similar Projects that we have completed in the past. (Perhaps give a brief description of the past project).

- Specific References for them to contact for your company’s past performance. Provide phone numbers as well as email addresses. A good idea is to clear this with your prior customers for their approval.

- A manpower/resource chart for the proposed construction schedule. (This is a key, as we can show anticipated releases and available work. Build this in as a contract document and track anticipated vs. actual through the course of the project).

- Resumes of your Key Players committed to the execution of the project.

- Product Data sheets of materials that may be alternatives.

- Include our MICA Plates for a thorough description of the installed product as this may add value and credibility to our efforts.

- Spruce it up with a cover page (project and client specific). Even pull a logo off the web. If appropriate, insert a table of contents.

Part of our in-company process that I have often used, is to interview the Client prior to submitting the proposal. If price is all that matters, so be it… However, I like to ask what other issues, specific to either the project or the insulation craft, are of issue or concern to the decision maker for the issuance of the contract. They may have something that, in the past, have either delighted them (or really irked them) from a past contractor. Build the proposal around this and show that you have done your homework.

Finally be certain, to the best of your ability, that you know the true decision maker for the “Buy”. It may be an individual. It may go to committee. There may be parameters that need to be considered and addressed within the Proposal that will set you apart.

Just some thoughts. Hope they help.

See you in Omaha.

Sincerely,

James Markham,
MICA President
insulation portion of a project from the design stage through the execution phase in the field.

Steven Murray is with the United States Department of Labor, Omaha Office. Steve has worked for the Department of Labor for over 27 years and in Federal Service for 35 years. He worked for the Veterans Administration for over 7 years in Wichita, Kansas, and has been with the Wage Hour Division of the U.S. Department of Labor since 1983. The Omaha, Nebraska Area Office is part of the Des Moines District Office, and Steve has worked all over both Iowa and Nebraska. Steve’s presentation will center on prevailing wage and regulatory compliance issues.

Gary Auman is a partner with the law firm of Dunlevey, Mahan & Furry where he concentrates his practice in the representation of management in workers’ compensation, OSHA, and environmental law. He is a summa cum laude graduate of the Ohio State University School of Law and received his degree in electrical engineering from the University of Louisville in 1969. Gary is MICA’s general counsel and will speak to us on OSHA and legislative issues of importance to our industry and to our members.

The fall business meeting will address the above issues and more. We are going to have an open discussion among the membership regarding the appropriate interaction between the contractor and the manufacturer/supplier. During this session, we will discuss ways to strengthen the relationships between associate and contractor members within MICA.

We will once again have three concurrent forums dealing with member issues. We will have a union contractor forum, an open shop contractor forum, and an associate member forum, all running simultaneously. This format continues to be overwhelmingly positive. This approach allows more of the members to participate in craft issues without being part of a formal committee. This fall, neither the labor committee nor the merit shop committee will formally meet during the fall business meeting. Rather, we will incorporate these items as discussion topics in our concurrent sessions. This format will give each of you the opportunity to interact with other MICA members with similar business concerns. The associate member forum will discuss several issues of interest to our associate members regarding their membership status in MICA.

(Continued on page 4)
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Last year our associate members classified as manufacturer member firms were invited to display their products at our fall business meeting. The table top displays were available for viewing by our membership during our extended Wednesday evening welcome reception. We will continue with such displays again this year for our fabricators, distributors or independent rep members. We will be limiting the size of the displays and limiting the participants to those associate member firms that fabricate, distribute and sell insulation material and components used in our industry. These table top displays will be open for viewing during our Wednesday evening reception. Our reception will begin at 5:30 p.m. and conclude at 7:00 p.m. This will still leave you with plenty of time for dinner and socializing with your fellow MICA members.

The discounted room rate at the Embassy Suites is $142.00 per night, single or double occupancy. Room reservations are to be made directly with the Hotel. You should call the hotel reservations department at (800) EMBASSY (362-2779) to make your individual room reservations. To receive the contract rate, you needed to reserve your room by September 18, 2010. Any room reservations made after September 18, 2010, will be honored on a space and rate available basis. You will not be guaranteed the $142.00 a night rate, but you may still get a room at the hotel.

This year’s program is a must attend for you and your key employees. The registration fee is only $180.00 per registrant. Please complete your registration form and mail/fax it to the MICA office by October 8, 2010. Your prompt response helps us to plan a more efficient and effective meeting for you. Please note that you can pay the registration fee by credit card or by check.

Your Board of Directors is very conscious of meeting costs and again has attempted to make this meeting most affordable. We look to the fall meeting as an opportunity for you to bring one or two key employees to this meeting. It is an excellent chance for you to expose your key people to the benefits of participating in MICA activities.

Make a concerted effort to inform one or two potential member firms about the fall business meeting. Invite them to attend, encourage them to join, and share your registration material with them. The cost is minimal and the first-hand look at MICA is the best way to promote the benefits of belonging to MICA.

The fall business meeting is designed to help you to “Be Informed and Be Involved”. We have designed a program that not only addresses problems but also provides you with solutions. Do not miss this opportunity to come together to share business concerns with your fellow MICA members. Make your plans now to attend the 2010 Annual Fall Business Meeting this October in Omaha!
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Theodore Hamilton Brodie, CEO and owner of Canton, Massachusetts-based New England Insulation Company for 50 years, died September 12, 2010, after a long battle with multiple myeloma. He was born in 1929. Mr. Brodie served as president of the National Insulation Association (NIA) and received the NIA President's Award in 1988. The Theodore H. Brodie Distinguished Safety Award, created to honor top companies that are proactive in implementing safe working practices, was named in recognition of his devotion to safety and his untiring efforts to put safety in the forefront of the industry. The safety award, given annually, was first presented in 2004 by Mr. Brodie himself.

A respected insulation contractor committed to the welfare of his employees and the insulation and carpenters unions of his industry, he was awarded the Cushing Gavin Award in 1995 by The Labor Guild for excellence in labor management. He also served as Trustee of the New England Carpenters Benefit Funds and the Insulators Local 6 Benefit Funds for many years.

A graduate of Tabor Academy in 1946 and Bowdoin College in 1952, Mr. Brodie was a student of history. He endowed the Bowdoin Brodie Family Scholarship Award to help middle class students since 1970, the Bowdoin Brodie Family Annual Education Lecture, and a Tabor Academy Scholarship. He was a Trustee Emeritus of Bowdoin College.

Mr. Brodie joined the Navy in 1953 and attended the Naval Officer Candidate School, completing service as a LTJG Naval Air Observer in 1956. He was a member of the Young Presidents Organization, World Presidents Organization, and Chief Executive Organization.

He is survived by his wife of 32 years, Robin G. Brodie. Donations can be made to Multiple Myeloma Research at Dana Farber Cancer Institute in Boston and the Bowdoin Brodie Family Scholarship Fund at Bowdoin College. A Memorial Service will be held at the First Parish Unitarian Universalist Church, 842 Tremont St., Duxbury, MA, at 1:00 p.m. on October 9, 2010.

FUTURE MICA MEETING DATES

- Fall 2010 Annual Fall Business Meeting — October 20 & 21, 2010, Embassy Suites Downtown, Omaha, NE.
- Winter Board and Committee Meetings — January 2011 TBA.
- 54th Annual Spring Convention — June 19 — 22, 2011, The Four Seasons Hotel St. Louis, St. Louis, Missouri.
- Fall 2011 Annual Fall Business Meeting — October 19 & 20, 2011, Embassy Suites Downtown, Omaha, NE.
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WASHINGTON - Because motor vehicle crashes are a leading cause of worker fatalities, Secretary of Labor Hilda L. Solis this month announced a partnership between the U.S. Department of Labor's Occupational Safety and Health Administration and the U.S. Department of Transportation to combat distracted driving.

“It is imperative that employers eliminate financial and other incentives that encourage workers to text while driving,” said Secretary Solis. “It is well recognized that texting while driving dramatically increases the risk of a motor vehicle injury or fatality.”

Prohibiting texting while driving is the subject of an executive order signed by President Barack Obama last year for federal employees and the subject of rulemaking by the Department of Transportation.

OSHA is launching a multi-pronged initiative that includes:
- An education campaign for employers, to be launched during “Drive Safely Work Week” in early October, will call on employers to prevent occupationally related distracted driving, with a special focus on prohibiting texting while driving.
- An open letter to employers to be posted on OSHA’s website, http://www.osha.gov during “Drive Safely Work Week.” The website also will showcase model employer policies and encourage employer and labor associations to communicate OSHA’s message.
- Alliances with the National Safety Council and other key organizations as outreach to employers, especially small employers, aimed at combating distracted driving and prohibit texting while driving.
- Special emphasis on reaching younger workers by coordinating with other Labor Department agencies as well as alliance partners and stakeholders.
- Investigate and issue citations and penalties where necessary to end the practice when OSHA receives a credible complaint that an employer requires texting while driving.

“We call upon all employers to prohibit any work policy or practice that requires or encourages workers to text while driving,” said Assistant Secretary of Labor for OSHA Dr. David Michaels. “The Occupational Safety and Health Act is clear; employers must provide a workplace free of recognized hazards.”

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Tuesday, October 19, 2010

2:00 P.M. to 3:30 P.M.  Closed Meeting of the Executive Committee – Council Bluffs A.

3:30 P.M. - 5:00 P.M.  Meeting of the Technical/Manual Committee – Council Bluffs A.

5:00 P.M. - 6:30 P.M.  Meeting: Past Presidents’ Committee – Council Bluffs A.

Afternoon & Evening  Arrival of Board of Directors and Committee Members.

Wednesday, October 20, 2010

7:00 A.M. - 8:30 A.M.  Meeting: Membership Committee – Council Bluffs A.

8:30 A.M. - 10:00 A.M.  Meeting: Environmental Committee – Council Bluffs A.

10:00 A.M. - 12:00 NOON  Meeting: Board of Directors – Council Bluffs A.

9:00 A.M. - 12:30 P.M.  General Registration – Hotel Foyer.

12:00 NOON - 12:30 P.M.  Cocktails – Waters Edge Bar.

12:30 P.M. - 1:30 P.M.  Welcome Luncheon – Hotel Atrium, 1st Floor

1:45 P.M. - 3:00 P.M.  First General Business Meeting – Missouri Ballroom.
Call to Order by President James Markham.
Invocation.
President's Welcome and Report.
Introduction of Members & Guests.
Presentation of the Eighteenth Annual "William R. Heaston Scholarship".
Presentation “Open Roundtable Discussion – How to Strengthen the Value of the Supply Chain Relationship”, by Selected Contractor and Associate Members.

3:00 P.M.  Short Coffee/Soda Break.

3:15 P.M. - 5:00 P.M.  Open Forum Discussions:
Union Contractors Forum – Council Bluffs A, Randy Leopold, Moderator.
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*Patent Pending*
MICA MESSENGER                Volume 41, Issue 01

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STATEMENT BY US DEPARTMENT OF LABOR’S OSHA ASSISTANT SECRETARY DR. DAVID MICHAELS ON GAO WHISTLEBLOWER PROTECTION PROGRAM REPORT

WASHINGTON -- The U.S. Government Accountability Office today issued a report titled, “Whistleblower Protection: Sustained Management Attention Needed to Address Long-standing Program Weaknesses.” In response, Occupational Safety and Healthy Administration Assistant Secretary of Labor Dr. David Michaels, issued the following statement:

“OSHA’s Whistleblower Protection Program exists because of a decades-old belief held by Congress, stakeholders, employers and society, that whistleblowers play an essential role in protecting workers and the public. Whistleblowers can make the difference between lawful workplaces and places where workers fear for their livelihoods and even their lives if they raise concerns.

The leadership of the Department of Labor profoundly understands the cornerstone position that whistleblower protections have in the foundation of a strong worker protection program. With our available resources, OSHA is working hard to ensure that whistleblowers are protected from retaliation. We are in the process of a top-to-bottom review of OSHA’s whistleblower protection program. This comprehensive review will cover policy, resources, equipment and work processes. The objective is to identify any weaknesses and inefficiencies in the program and improve the way we conduct this very important activity. In addition, we have hired additional personnel in the past year in an effort to more efficiently process cases.

OSHA has already begun taking action on items recommended in the GAO report, such as requiring all investigators and their supervisors to complete mandatory investigator training over the next 18 months, setting strategic goals and performance measures for the whistleblower program, and providing new equipment to field staff. We are still studying other recommendations from the GAO, and appreciate their review and input.”

OSHA enforces the whistleblower provisions of 19 laws protecting employees who report violations of various securities, trucking, airline, nuclear, pipeline, environmental, railroad, public transportation, workplace safety and health, consumer product safety, health care reform, and financial reform laws. Detailed information on employee whistleblower rights, including fact sheets, is available online at http://www.whistleblowers.gov.
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SUPPORT OF THE MECHANICAL INSULATION INSTALLATION INCENTIVE ACT REACHES BEYOND INSULATION INDUSTRY

The National Insulation Association (NIA) has joined 14 other construction industry organizations in thanking Senators Kirsten Gillibrand (D-NY) and Mike Johanns (R-NE) for introducing S. 3716, the Mechanical Insulation Installation Incentive Act. Various letters have been sent to thank the senators for their bipartisan leadership in recognizing energy efficiency and high-performance buildings as critical components of any strategy to reduce our energy use and resulting greenhouse gas emissions.

The thank-you letters point out that ensuring all mechanical systems are specified, installed, operated and maintained at the most effective level of performance is essential to realizing the full potential of energy efficient buildings. Buildings account for 40 percent of U.S. primary energy use—more than either transportation or industry. They are responsible for 72 percent of the electricity consumption and 39 percent of the total U.S. CO₂ emissions. However, current federal energy efficiency provisions in the tax codes do not incentivize mechanical insulation maintenance, retrofits, or installation beyond current minimum requirements. By creating a tax credit for the installation of mechanical insulation for commercial buildings and industrial and manufacturing facilities, including power plants, refineries, hospitals, schools, and universities, S.3716 would help spur adoption of this technology, realize the vast energy savings possible in the commercial and industrial sectors, and boost our economy through green job creation in all 50 states.

NIA co-signed one thank-you letter with the American Society of Heating, Refrigerating and Air-Conditioning Engineers; Air Barrier Association of America, Inc.; National Institute of Building Sciences, National Mechanical Insulation Committee; AEC Science & Technology, LLC; Ecobuild America; Institute for Market Transformation; Mechanical Contractors Association of America; Associated General Contractors of America; Sheet Metal and Air Conditioning Contractors National Associa-

In addition, NIA has delivered letters to both senators from members in the states they represent. The Eastern States Insulation Contractors Association, Midwest Insulation Contractors Association, North American Insulation Manufacturers Association, Insulation Contractors Association, and the International Association of Heat and Frost Insulators and Allied Workers have also sent thank-you letters.

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Associate Member Forum – Missouri Ballroom, Gary Schelberger, Moderator.

5:30 P.M. - 7:00 P.M. Social Hour & Associate Members’ Table Top Displays – Platte & Elkhorn Portions of the Ballroom.

7:00 P.M. - ??? Dinner on Your Own – Consult the Restaurant Listing in Your Folder.

Thursday, October 21, 2010

7:00 A.M. - 7:50 A.M. Meeting: Board of Directors – Council Bluffs A.

7:00 A.M. - 8:00 A.M. Complimentary Breakfast for Hotel Guests.

8:00 A.M. - 12:00 NOON Second General Business Meeting – Missouri Ballroom.

Call to Order by President James Markham.

Presentation “Pending Federal Legislation and OSHA Regulations”, by Gary Auman, MICA Legal Counsel, Dunlevey, Mahan & Furry, Dayton, OH.

9:00 A.M. Short Coffee Break.


Presentation “Project Design/Specification for Insulation”, by Mr. Scott Harmon, Black & Veatch, Kansas City, MO.

Presentation “The Real Story Behind Owner Controlled and Contractor Controlled Insulation Programs”, by Mr. Michael Henry, Great South Corporation/Clay & Land, Memphis, TN.

Presentation “Prevailing Wage and Compliance Issues Facing the Insulation Contractor”, by Mr. Steven Murray, United States Department of Labor, Omaha, NE.

Committee Reports.

Executive Secretary Report – Tom Shimerda, MICA Office.

12:00 NOON Adjournment.
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