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Established in 1910

I Only Wanted To Build A Bridge

A friend of mine, Tom McCrackin III, was president of Associated General Contractors of Missouri in 1995. During his tenure, he wrote a profound article for the AGC entitled "Viewpoint" for the *Missouri Construction Advisor*. In his article, he discussed all of the state and federal laws, regulations, codes, acts, agencies, paperwork and plain old burdens of government with which he had to comply while building a bridge project he had going at the time.

His article was actually in response to

a request to testify in front of the House Small Business Committee on Regulation and Paperwork. Interestingly, he thought he was invited to "tell Congress what specific regulations should be repealed." It is even more interesting to note that everything Tom said back then is still in place today—and with quite a few additions.

Being 13 years later, I wondered just how our state and federal government has changed the regulation of the construction industry. I have noted for years that I think the construction industry is the most regulated

and believe it's a safe bet that I'm right.

Penzel Construction was recently awarded a bridge replacement project on Route 72 in Madison County, Missouri. I thought it would be a perfect project to research and see how we are affected today. I will hold to the same format as Tom did back then. When I signed the contract for this project, I had agreed and caused my subcontractors to agree to:

1) Be governed by the following Acts:

- Resource Conservation and Recovery Act
 - Clean Water Act
 - Federal Endangered Species Act
 - Missouri Agricultural Liming Materials Act
 - National Environmental Policy Act
 - National Historic Preservation Act
 - Farmland Protection Act
 - Comprehensive Environmental Response, Compensation and Liability Act
 - Work Hours and Safety Standards Act
 - Surface Transportation and Uniform Relocation Assistance Act of 1987
 - Missouri Domestic Products Procurement Act
 - Public Works Employment Act of 1977
 - Federal-Aid Roads Act
 - Clean Air Act
 - Federal Water Pollution Control Act
 - American Disabilities Act
 - Copeland Act
 - Davis-Bacon Act;
- 2) Be bound by Executive Orders 11246, 11738, 12549 and Missouri Executive Order 07-13;
- 3) Comply with 16 Sections in six Titles of Codes of Federal Regulations;
- 4) Abide by nine Sections in six Titles of the United States Codes;
- 5) Cooperate with the following three programs:
- National Product Evaluation Program
 - Unified Certification Program

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Penzel VP Retires

Penzel vice-president Paul Koeper retired after 30 years with Penzel to undertake a new vocation. Paul was elected to the position of Cape Girardeau County Commissioner, where his knowledge base of road and bridge construction will serve the citizens well.



Phil Penzel presents a retirement memento to the Honorable Paul Koeper.

Paul started work for Penzel in January 1978 in a small office outside the main building, under the tutelage of Gerald Hitt. Professor Hitt, as Paul now refers to him, was very good at schooling his young charge and providing early guidance through the complexities of construction drawings and documents.

Early in Paul's tenure he accompanied Gerald to Bowling Green, Missouri, to do a project consisting of five bridges and 17 box culverts. The time frame—the late '70s-early '80s—was a period of significant fuel and cement shortages. Paul recalls several times starting a large concrete deck or culvert pour despite the fact that the owner of the ready mix plant had concerns about running out of cement before the pour was completed. He also remembers being apprehensive on Fridays about having enough fuel to get home for the weekend, since gas stations had only limited allotments.

Paul managed countless building and road projects for Penzel Construction, scattered all over Southeast Missouri. He worked for three generations of the Penzel family—Carl, Gene and Philip. Paul looks back on the time that Penzel completed work on the soccer and football fields for the Jackson School District, and how when he asked Carl Penzel about billing the school, Carl said, "If you can't give to a community you live and believe in, you're not part of that community."

Paul says, "That spirit of giving and cooperation has been a big part of the Penzel success. I had the chance to meet and work with a lot of great people. I would like to take this opportunity to thank the Penzel family for the opportunity to work for them for 30 years."

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- National Cooperative Highway Research Program;
- 6) Conform to the standards of:
- American Association of State Highway and Transportation Officials (AASHTO)
 - American Society for Testing and Materials (ASTM)
 - Manual on Traffic Control Devices;
- 7) Be familiar with information provided by:
- National Oceanic and Atmospheric Administration
 - National Climatic Data Center
 - Form FHWA-47
 - *Platts Oilgram News*
 - *Asphalt Weekly Monitor* as published by Poten and Partners, Inc.;
- 8) Deal with and meet the requirements of the following agencies:
- United States Treasury Department
 - Missouri Taxation Bureau
 - General Services Administration
 - United States Department of Commerce
 - Missouri Department of Health
 - EEO Commission
 - Clean Water Commission
 - Hazardous Waste Commission
 - Air Conservation Commission
 - MoDot External Civil Rights Unit
 - Missouri Department of Revenue and Employment Services
 - National Register of Historic Places
 - State Historic Preservation office
- United States Fish and Wildlife Service
 - National Marine Fisheries Service
 - Missouri Department of Agriculture
 - United States Corps of Engineers
 - United States Coast Guard
 - Office of Federal Contract Compliance, United States Department of Labor
 - Federal Highway Administration
 - United States Department of Transportation
 - Occupational Safety and Health Administration
 - Wage and Hour Division, Employment Standards Administration
 - Missouri Department of Labor and Industrial Relations, Division of Labor Standards
 - Employment and Training Administration
 - Bureau of Apprenticeship and Training, United States Department of Labor
 - United States Environmental Protection Agency
 - Missouri Department of Natural Resources
 - Council on Environmental Quality Regulations;
- 9) Comply with the provisions of: OSHA, Equal Employment Opportunity, Quality Control Plan, Affirmative Action Plan, Meet or exceed an 8% Goal for Disadvantaged Business Enterprises, Unmarked Human Burial Sites, Missouri Solid Waste Management, Nationwide Permits 3,12,13,14,15,23,33, 401 Permit, Section 404 Permit, Standard Grading Rules for West Coast Lumber, Standard Grading Rules for Southern Pine Lumber, Hometown Plan, Non-Discrimination in Employment, Missouri Seed Law, Missouri Plant Law, Workmen's Compensation Insurance, Prevailing Wage, General Wage Order No. 52, Community Development Block Grant Programs and other Public Laws and Revised Statutes of Missouri;
- 10) Fill out and submit:
A DBE Identification Submittal, Subcontractor Disclosure Form, Standard Form LLL (Disclosure Form to Report Lobbying), Form PR-1391 (Federal Aid Highway Construction Contractors Annual EEO Report), Form WH-347 (Certified Payroll) and;
- 11) Cooperate with and protect the following utilities:
- PWSD #1 of Madison County
 - AT&T
 - Black River Electric Cooperative
- In addition to all of the above, there is still a bridge to be built within nine months!
- Phil Penzel, President
Penzel Construction Company



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