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Construction Update Solutions

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AUGUST 2009

Dear Readers,

We are excited to present to you the inaugural issue of Robinson & Cole's *Solutions: Construction Update*. At the end of last year, seven attorneys, formerly of Thelen LLP's Construction Group, joined our firm. These professionals are a welcome complement, and their experience and talent significantly expand the firm's capabilities to serve private, institutional, and governmental clients. This quarterly update provides added benefit and service to our valued clients and friends. If you have comments or suggestions for future article topics, we welcome your feedback. To learn more about us or to contact us, please visit us at www.rc.com.

Peter E. Strniste, Jr.
Editor

Articles

Change Order Reforms Enacted in Connecticut

By Martin A. Onorato

While the Connecticut General Assembly was not able to adopt a budget in its regular legislative session, it was able to pass a number of pending bills deemed to have no fiscal impact, including a measure that directly impacts the processing and payment of changes on public and private commercial construction in Connecticut. Public Act 09-146, "An Act Concerning Construction Change Orders," was passed by the Senate on May 15 and by the House on May 29. Governor Rell signed the bill into law on June 25, and it became effective six days later on July 1, 2009. The new law applies to public works contracts in excess of \$100,000 (except for DOT work), and to private, commercial construction contracts in excess of \$25,000. *Click [here](#) to read the full article.*

The AGC Comments on Proposed Reporting Requirements for Federal Stimulus Funds

By Gordon W. Paterson

In a letter to the Federal Office of Management and Budget (OMB), the Association of General Contractors (AGC) has raised concerns regarding regulations promulgated with respect to detailed quarterly reporting requirements by recipients of stimulus funds and has recommended revisions to those rules to facilitate the objective of jump-starting the American economy. *Click [here](#) to read the full article.*

Sweeping Whistleblower Protections Affecting Employers Receiving Stimulus Funds

By Nicole A. Bernabo

Earlier this year Congress passed the American Recovery and Reinvestment Act of 2009 (ARRA

or the Act) to address the economic crisis facing our country. Included in the ARRA are new whistleblower protections for employees of "nonfederal employers" receiving federal stimulus funds, such as federal contractors and subcontractors, and state and local governments and their contractors and subcontractors. [Click here to read the full article.](#)

New Legislation Treats Asphalt Producers as Manufacturers

By John R. Shaughnessy, Jr. and Felicia S. Hoeniger

In a year when any legislative proposal with a tax cost appeared to have no chance of passage, Robinson & Cole LLP lobbyists, with the support of the Connecticut Construction Industry Association (CCIA), were successful in having enacted Public Act 2009-200, which makes clear that, for purposes of the sales tax, asphalt producers are engaged in manufacturing. The new law was enacted because state legislators became convinced it was a matter of fairness. Without changes to the existing statute, asphalt manufacturers in Connecticut were in danger of being placed at a competitive disadvantage to those who produce both asphalt and concrete and to asphalt producers whose production facilities are in Massachusetts. [Click here to read the full article.](#)

A Bonus For Building Energy Efficient Projects - Developers can profit by limiting carbon emissions, selling 'offsets'

By Kirstin M. Etela and Brian C. Freeman

Building owners and developers have the opportunity to get added value for building energy efficiency projects through a recently initiated process for recognizing carbon dioxide emission reductions from such projects. The process, part of the Regional Greenhouse Gas Initiative (RGGI) undertaken by 10 Northeast and Mid-Atlantic states, is available for projects located in these states and in states cooperating with RGGI. [Click here to read the full article.](#)

Your Marketing Message: If you 'green' it, mean it - FTC clamps down on false claims of eco-friendliness

By Ronald W. Zdrojeski and Jennifer R. Rossi

In response to growing consumer concern about the environment, many businesses have modified their practices, upgraded their manufacturing processes, and begun marketing their products and services as green, carbon-neutral, sustainable, refillable, recyclable, biodegradable, or otherwise environmentally friendly. In cases like these, the Federal Trade Commission (FTC) cautions that businesses should mean what they say. [Click here to read the full article.](#)

Firm News & Notes

At the Podium

The Construction Group presented breakfast seminars highlighting construction technology, delivery, and sustainability considerations for educational institutions. Representatives from leading education institutions attended the programs held in Boston, Massachusetts and Stamford, Connecticut. Construction Group members Gregory R. Faulkner and Martin A. Onorato collaborated with representatives from the firm's Land Use and Real Estate and Development Groups to offer this program.

Keane E. Aures, spoke in May at a Connecticut Bar Association's Continuing Legal Education program on construction law updates.

Peter E. Strniste, Jr., recently presented a Continuing Legal Education seminar for the Connecticut Bar Association entitled "Introduction to Public Construction Law - Construction Bonds."

Peter E. Strniste, Jr., delivered a program at the National Retail Contractors Association's 19th Annual Meeting entitled "Weathering the Storm - Navigating Your Construction Project Through Bankruptcy." In attendance were more than 100 construction directors from companies that included Kohl's, Fossil, Save-A-Lot, and Target and the principals of general contracting

companies throughout the United States, including several Connecticut-based contractors.

Martin A. Onorato and Peter E. Strniste, Jr., were presenters for a roundtable discussion with retail owners and contractors at SPECS 45th Annual Meeting entitled "Contract Delivery Method: Is Last Year's Contract Still the Best Choice?" In attendance were retail owners and general contractors from companies throughout the United States.

Martin A. Onorato was a presenter at an April program entitled "Opportunities and Challenges in Green Building Projects." The program was part of Robinson & Cole's 2009 Sustainability and Climate Change Series, which includes topics related to the financing of renewable energy projects, green building construction, greenhouse gas emissions reduction mandates, and legal and regulatory issues associated with sustainable development.

In June, Martin A. Onorato presented a program on new design and construction contract forms developed by the Department of Education's School Facilities Unit, for use on municipal school construction projects in Connecticut to the Connecticut Chapter of the American Institute of Architects. In attendance were design professionals from regional firms that perform schoolwork in Connecticut.

In Print

Peter E. Strniste, Jr., authored the article "Show Me the Money! The Retail Contractor's Mall Deposit in Bankruptcy," published on the Web page of the Retail Contractors Association at [www.http://www.retailcontractors.org/](http://www.retailcontractors.org/).

In Attendance

Gregory R. Faulkner attended the annual conference of the National Association of Colleges and University Attorneys (NACUA) in Toronto, Canada. Mr. Faulkner is a member of NACUA.

Dennis C. Cavanaugh, Co-chair of the Construction Practice Group, was recently appointed as the Strategic Planning Committee chair and to the Bylaws Committee of the University of Connecticut Alumni Association's National Board of Directors.

For more information, please contact Dennis C. Cavanaugh (dcavanaugh@rc.com) at (860) 275-8211 or Christopher J. Hug (chug@rc.com) at (860) 275-8294.

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