



www.apai.net

Rubblization Saves Money, Headaches on Highways

Concrete pavements are doing an admirable job... crushed to pieces, serving as the base course for more than 140 lane miles of new asphalt pavement on Wisconsin highways in the last few years.

We wrote about rubblization in the Summer 2009 issue of *Wisconsin Asphalt News*, and in the construction seasons that followed WisDOT has made great use of this technique to replace worn-out PCC pavements with new asphalt highways.

WAPA and its members – and motorists across the state – thank WisDOT for rebuilding these major highways with smooth, quiet, high-performing asphalt.

→ It doesn't inconvenience motorists. A pavement can be rubblized and paved with asphalt one lane at a time, allowing limited lane closures rather than requiring the detours, narrowed lanes and two-way traffic associated with construction of new PCC roads. Moreover, the work can be done at night and during off-peak hours. And as with the construction of any asphalt pavement, the new highway can be opened to traffic as soon as the surface has cooled, unlike PCC pavements which require days of curing time.

→ It gets the job done faster. When heavily traveled corridors are involved, it's vital to get in and get out. Rubblizing



Rubblization allows lanes of traffic to remain open during pavement reconstruction. (Images courtesy of FHWA)

WHY RUBBLIZE OUR HIGHWAYS?

The trend toward replacing PCC highways with HMA with the help of rubblization makes good sense. For reconstructing a pavement, the clear winner is rubblization and HMA:

PCC and laying new HMA is a very quick process compared with reconstructing with PCC. WisDOT recognizes this, too. For a 5½-mile stretch of WIS 13, the contract required completion of the entire project – including rubblizing and reconstructing

(Continued Page 3)



Tales from the Road

“From the Mouths of Babes”

They are tearing up and widening the street in front of my son Henry's 4-year old preschool. His excellent teacher, Mrs. S., decided to use the construction as an opportunity to educate the students on the planning process that goes into building a new road. She was kind enough to send home some of the answers she received from the children when she asked, “How do you build a road?” Guess whose proud father read, “You dig a hole and put smooth asphalt on it.” That's my boy!

Now, guess which paving product my Des Moines suburb uses for all their paving projects – That's right, Concrete. I have educated my four year old son that asphalt is the best choice for all your roadway needs, but the underlying issue remains – for most engineers concrete is the first, and often only, thought when choosing their pavement section. Why? Education.

The asphalt industry in Iowa has failed to educate the engineers in Iowa about the benefits of building their roadways in asphalt. When speaking recently to the Fall Conference of the Iowa American Public Works Association (APWA), I asked the crowd of 75 engineers, “How many of

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Upcoming Events

(Click event for more information)

APAI Office Closed

November 24 – 25, 2011

APAI 56th Annual Convention

November 30 – December 1, 2011

West Des Moines Marriott

West Des Moines, IA

To register, click here.

2011 County Engineers Conference

December 6-8, 2011

Scheman Building, Iowa State University

Ames, IA

For information and to register, click here.

APAI Christmas Open House

December 15, 2011

3:00 p.m.

116 Clark Avenue, Ste C

Ames, IA 50010

APAI Office Closed

December 23, 2011

APAI Office Closed

December 30, 2011

NAPA's 57th Annual Meeting

January 21-25, 2012

JW Marriott Desert Springs

Palm Desert, CA

For information and to register, click here.

2012 Greater Iowa Asphalt Conference

February 29, 2012 – March 2, 2012

Holiday Inn Airport

Des Moines, IA

World of Asphalt – Position Yourself for Growth

March 13-15, 2012

Charlotte, NC

Click here for more information about World of Asphalt and Registration.

(Tales from the Road – Cont. from Page 1)

you came out of college feeling as though you had been trained on how to design an asphalt roadway?" Not a single hand went up. These are the top city, county, and consulting engineers in our state.

Why does this education gap exist? I believe it's four-fold: First, the PCC industry had traditionally been the stronger industry in the State of Iowa and the asphalt industry has let them define our role in road building as a rehabilitation pavement. Second, the major engineering universities in this state were populated with professors who only taught one pavement choice. Third, the asphalt industry rested on its economic advantages instead of promoting our true advantages over PCC. Fourth, the asphalt industry made asphalt complicated to specify by redefining and modifying our product constantly over the past twenty years.

The problems have been defined, so how do we get to Henry's solution of, "Dig a hole and put smooth asphalt in it"? The solutions are four-fold: First, we move to mechanistic design of Perpetual Asphalt Pavements – no longer will the PCC industry be able to define our pavement depths by their pavement depths. The PCC industry's claim to a 40-year life cycle will also go by the wayside when the actual performances of their pavements in Iowa are used to populate the Iowa Mechanistic Empirical Pavement Design Guide (MEPDG). Second, the major universities in Iowa now have excellent professors teaching pavement design, Dr. Chris Williams at Iowa State University and Dr. David Lee

at the University of Iowa. In addition, the Asphalt Materials and Pavement Program (AMPP) is placing engineering students from the U of I, ISU and UNI as summer interns at APAI member companies. (See story on page 3.) These students will eventually become the city, county and consulting engineers I addressed earlier in the column. These engineers will understand the benefits of choosing asphalt pavements. Third, the increased price of asphalt cement has made the two pavement choices economic equivalents. The asphalt industry has always had the better quality pavement, now we need to sell our product using our advantages: asphalt is faster to construct, 100% recyclable, smoother, quieter, and can be designed as a Perpetual Pavement. Fourth, the APAI and its members will continue our efforts to show how easily asphalt pavements can be designed and specified, with the design engineer outlining a few basic parameters, and calling for contractor Quality Management Assurance (QMA), asphalt becomes as easy to specify as "Dig a hole put smooth asphalt in it."

If you would like a "black bag" lunch and learn at your company or agency please call 515-233-0015. The APAI offers this as a free service to all agencies and engineers and offers PDHs for all attendees.

Smoother is better.



Volunteers Needed For County Engineers Convention

The APAI staff can use your help at the upcoming County Engineers Conference on December 6-7, 2011 at the Ames Gateway Hotel and Conference Center. The APAI sponsors a booth and a hospitality suite featuring "Minute to Win It" games and prizes. If you would like to help or you can supply some prizes, call Minnie at 515-233-0015.

AMPP Internships Make a Difference



The Asphalt Materials and Pavement Program (AMPP), under the Institute for Transportation at Iowa State University, initiated its summer internship program this past summer. The objective of the summer internship program is to provide hands-on work experience to civil and construction engineering students in the asphalt paving industry. This past summer 10 students participated in the program with students from Iowa State University and the University of Iowa being placed with Asphalt Paving Association of Iowa (APAI) contractors, asphalt suppliers and in the asphalt labs at Iowa State. The feedback from both interns and employers has been very positive. Joel Robinson, a junior Construction Engineering student at ISU, who interned with Manatts this past summer explained, “I found this was an excellent opportunity that allowed me to gain some hands on field experience and now I am able to bring that experience back to the classroom.”

Students were prescreened by a

committee prior to being added to a qualified list of interns being provided to prospective employers. “All of the students we interviewed were excellent”, explained Greg Kinser, Hot Mix Asphalt and Construction Division Vice President for OMG Midwest, Inc., “We employed three interns this summer and they were great. All of them were very well-versed and readily adapted to every environment we put them into. One of the interns actually bid a job for us and he did a great job of pulling it together. We will definitely be participating again next year.”

Dr. Williams, Associate Professor of Engineering at ISU, knows first-hand the value of summer internships, “It is the experience of seeing something being built, and the ability to be involved with a project, that leads to the understanding that construction projects make a difference in people’s lives. These students will be well served having learned under the contractors of the APAI when they graduate.”

The AMPP Internship Program



Joel Robinson, Junior Const. Engineering Student at ISU on the Manatt’s Hwy 17 Project

will be taking applications beginning in Dec. 2011 – Jan. 2012 for Summer 2012 positions. Applications are online at: www.intrans.iastate.edu/asphalt/internship/index.cfm.

(Rubblization - Cont. from Page 1)

the highway – in just 21 days. Try doing that with PCC.

→ **Rubblization is less expensive – much less expensive – than PCC reconstruction.** Drawing from data in WisDOT’s project records, we carefully compared the costs of a similar number of Wisconsin pavement reconstruction projects – both rubblization/HMA and PCC – in the last few years. This included all relevant costs: aggregate, asphalt or concrete cement, base course material, shoulder construction, traffic control, staking and mobilization.

The average cost per lane mile of HMA pavement constructed on rubblized PCC was \$268,000 per lane mile. The average cost per lane mile for comparable PCC reconstruction was \$815,000. That’s more than three times more expensive for

PCC. (If you would like the details about the analysis we conducted for this article, just call or email WAPA.)

And while WisDOT looks at life cycle costs when considering pavements, bear in mind that for any pavement – asphalt or concrete – about 90 percent of the life

cycle costs are initial construction costs. (The state’s cost analysis doesn’t include user delay; when that’s taken into account, asphalt becomes even more attractive.)

Reprinted with the permission of the Wisconsin Asphalt Pavement Association from the Summer 2011 *Wisconsin Asphalt News*.

RECENT HIGHWAY RUBBLIZATION PROJECTS IN WISCONSIN

WisDOT Project ID	Highway	County	Project End Points	Length (lane miles)
1060-32-70	I-94	Waukesha	East/West Freeway - Roadway	40
1066-00-73	I-94	Jefferson	Madison - Milwaukee Road	23
1066-00-71	I-94	Jefferson	Madison - Milwaukee Road	22
1643-08-73	US 14	Vernon	Readstown - East County Line	11
5156-05-71	US 14	Dane	Madison - Oregon Road	21
1620-00-79	WIS 13	Marathon	Marshfield - Spencer	4
1053-02-78	WIS 29	Marathon	Abbotsford - Wausau	14
6140-00-75	WIS 13	Adams	Friendship - Wisconsin Rapids	6



PROJECT SPOTLIGHT: The Industrial Park – Humboldt, IA “37 Years Young”

Alissa Wagner, Blacktop Service Co., Humboldt, Iowa

(The Iowa Asphalt Report will feature an asphalt project each issue that highlights the advantages of choosing asphalt pavements.)

In 1974, the notion of perpetual pavements was little more than a theory. The seventies are sometimes longingly recalled as the ‘good ol’ days.’ There was little to no testing required for county work, let alone city projects. There were no proven mix designs, no gyratory compactor, or theoretical maximum density. Yet, in a time of seemingly little oversight, Iowa contractors produced and placed some of the greatest hot mix asphalt to date. These asphalt roadways laid in the years past are now the foundation for what we refer to as perpetual pavements. The Industrial Park in Humboldt, Iowa is a prime example of a superior roadway that continues to endure.

In its current condition, the road has virtually no full depth cracking. There is minimal transverse and random cracking but these remain at the surface level and have successfully been remedied by crack-filling. These cracks are nothing minimal maintenance cannot successfully remedy. Structurally, the park remains incredibly sound.

The Industrial Park in Humboldt, Iowa was under construction in 1973. The city, trying to accommodate the growing industry in the community, saw a need for an area to house the industrial businesses. The city originally let the project in the Fall of 1973 with a specified start date of April 1974. Blacktop Service Company was a subcontractor on the project responsible for blading and shaping the roadways and then paving them.

While it is somewhat unconventional by current design standards, the Industrial Park was built upon existing soil. No stone was brought in for base; instead the roads were shaped from natural earth and cut to accommodate the mix. After the shaping, Blacktop Service Company paved 9” of Hot Mix Asphalt. As if the



nontraditional base was not enough to truly test the integrity of the asphalt, the asphalt mixture was 70% gravel and 30% limestone.

This gravel mix placed on natural base sees its fair share of traffic too. Each day the roads of the Industrial Park are subjected to repeated loads from companies manufacturing grain trailers, side dumps, recreational vehicles, boat trailers, Schwan’s Distribution, propane tankers, cement trucks, cranes, a lumber yard, and the heavy highway equipment of Blacktop Service Company. Most of these businesses moved into the Industrial Park in 1974 meaning these roadways have been exposed to extremely heavy loads for the past 37 years.

“The City got quite a deal,” remarked Blacktop Service Company President, Bob Wagner. “That was actually my first summer working, and I had to do all the handwork on my own.” That handwork spanned 18,229 square yards and 11,000 lineal feet of curb and gutter. The job required over 9,000 ton of Hot Mix Asphalt for which the City paid \$258,854.53. “What’s better than the price is how far the original pavement

has gotten the city.” Bob stated that over the life time of the pavement, its required remarkably little maintenance.

In 1986, twelve years after the pavement was laid, the Industrial Park was Seal Coated. Eight years later the roads were crack filled and slurry leveled. After another fourteen years the roads were crack filled again, in 2008. In 37 years, that little bit of routine maintenance is all that was required. When looking at the life cycle cost, the total cost of maintenance work has totaled less than \$37,000, or approximately \$1000 per year. These figures truly highlight the sustainability of asphalt and feasibility of perpetual pavement.

“We couldn’t be happier with the pavement. It runs right in front of our shop, we drive it everyday.” Blacktop Service Company certainly has a particular interest in the pavement’s performance. The company knows it reflects directly on both Blacktop Service and the asphalt product. In the case of the Industrial Park, asphalt has performed exceedingly well for the past 37 years and its benefit will only continue to perpetuate in the years to come.

Avoiding Landmines In Construction Projects

Kathryn Barnhill, Barnhill & Associates, West Des Moines, Iowa
Part 3 of a 3-Part Series

STATUTORY REMEDIES FOR NON-PAYMENT: KNOW HOW TO GET PAID, WHICH STATUTE APPLIES AND HOW TO ACTUALLY FILE CLAIMS

There are three statutory remedies for nonpayment on a construction project: the Federal Miller Act, Iowa Code Chapter 572 (liens on private project) and Iowa Code Chapter 573 for claims on public projects. State statutes are known as “little Miller Acts”.

Federal Public Works Collection Remedies:

Federal public works are unique in that there are no Stop Notice or Mechanics’ Lien remedies available. Furthermore, although a remedy is available by proceeding against the original contractor’s payment bond under a federal law known as the “Miller Act” (40 USCS 3131 et seq.), these remedies are not available to all subcontractors or suppliers. In addition, there are circumstances where a different form of security can be substituted for the payment bond (40 USCS 3131(b)(2)).

Among those who cannot sue on the Miller Act Payment Bond are third-tier subcontractors (subcontractors to a subcontractor who has a contract with the original contractor) and suppliers to

suppliers. (See *J.W. Bateson Company v. Board of Trustees*, 434 U.S. 586 (1978)). As a general rule, every subcontractor, laborer, or material supplier who deals directly with the prime contractor may bring a lawsuit against the bond company providing the Miller Act Payment Bond. Further, every subcontractor, laborer, or material supplier who has a direct contractual relationship with a first tier subcontractor may bring such an action. See the diagram below. In the diagram, only subcontractors and material suppliers ABOVE the heavy black dotted line can proceed against the original contractor’s Miller Act Payment Bond.

If you are unsure whether the project is a state public work or a federal public work, or if you are not sure whether you have a close enough relationship with the public entity to sue under a federal project payment bond, you should cover your bases by following BOTH state and federal procedures. You should also consult an attorney so that your status, and the character of the project, can be clarified and so that the current state of the law can be determined.

On federal projects (owner is one of the agencies of the Federal Government, e.g., Corps of Engineers) the general rules are as follows:

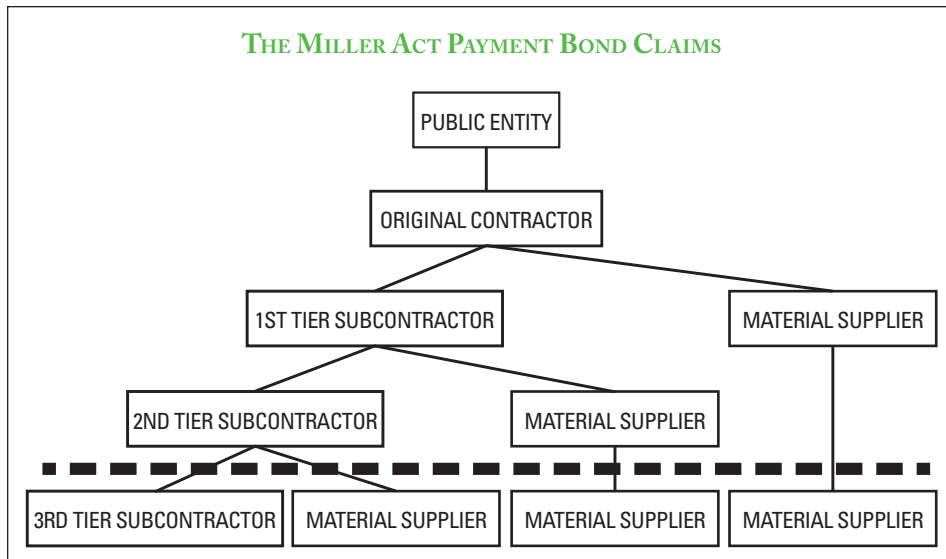
A. If you are the original (prime) contractor, and you are not paid, your contract claim is against the government. You cannot make a claim on the Miller Act Bond. Contact your attorney about filing a lawsuit.

B. If you are a claimant who has furnished work or materials under a direct contractual relationship with the prime contractor:

1. You can sue the prime contractor for breach of contract; and
2. You can sue the surety on the Miller Act Bond posted by the prime contractor.
3. You must file suit no later than one year from the date you last furnished work or materials for the project.

C. If you are a claimant who only has a direct contractual relationship with a first tier subcontractor:

1. You can sue the subcontractor for breach of contract; and
2. You can sue the surety on the Miller Act Bond posted by the prime contractor. However, please note:
 - a. You must serve a 90 day notice on the prime contractor no later than 90 days after you last furnished work or materials for the project. Fill out the form entitled “Miller Act Notice For Federal Public Works Projects.” It is best to send it to the prime contractor by certified or registered mail. You must send it no later than 90 days after you last furnished





BET ON BLACK at the 56th APAI Annual Convention

WEDNESDAY, NOVEMBER 30, 2011 ♦ ASSOCIATION DAY / MEMBERS ONLY

7:30 a.m. - Registration
4:00 p.m.

9:00 a.m. Dianna Anderson, Cylient
“Coaching in the Moment”
Dianna Anderson teaches owners and managers how to Coach employees to achieve greater levels of cooperation, collaboration and initiative.



10:30 a.m. **COMMITTEE MEETINGS**
• Environmental & Energy / Legislative Committee
• Marketing Committee
• Specification Committee

10:30 a.m. **Spouses / Guest Program:** Depart for The Spa at West Glen. This will include lunch, a spa treatment, with an optional shopping trip to Jordan Creek. The outing will conclude at approximately 3:30 p.m. To reserve your spa treatment, contact Minnie at 515-233-0015.

11:30 a.m. **Associate Members Meeting**

12:00 Noon Buffet Lunch
(12:30 p.m.) Don McKee, DMC Consulting
“Appreciating Clients, Customers & Co-Workers”

This training offers common sense strategies that enable individuals and groups to be more productive in their work and more influential when communicating with key people whether they are clients, customers or co-workers.



2:00 p.m. - **ANNUAL BUSINESS MEETING**
3:45 p.m.

6:00 p.m. - **Asphalt Vegas Casino Night**
10:00 p.m. Food, Fun, and Fabulous Prizes!!



IOWA ASPHALT REPORT

THURSDAY, DECEMBER 1, 2011 ♦ GENERAL SESSION / NON-MEMBERS WELCOME

8:00 a.m.

Morning Session

Presentation of Colors / National Anthem
APAI Presidential Welcome

Jon Stetson –

“Invest in Your Intuition”



Jon Stetson is a nationally renowned mentalist who will astound you by knowing about you and knowing what you are thinking.

Grant Thayer, FMI

“Construction Market Trends and Strategic Responses”



The presentation will be focused on critical trends that are driving the construction industry and best practices for strategy in the transition period from economic recession to expansion.

10:15 a.m.

Morning Session (continued)

Scott Schram, Bituminous Engineer, Iowa DOT
“Asphalt Research / Specifications Update”

10:45 a.m.

Paul Trombino, Director, Iowa DOT
“Iowa DOT Perspective 2012”

State Representative David Tjepkes, Chairman - House Transportation Committee, and
State Senator Tom Rielly, Chairman - Senate Transportation Committee
“Iowa’s Transportation Funding Outlook”

Noon

ANNUAL APAI AWARDS LUNCHEON

Awarding of the 2011 Paving Awards and the Iowa Hot Mix Hall of Fame

2:00 p.m.

Allan Urlis, WPNT

“Effective Communication Skills in Business”



Allan will demonstrate how to take back some control by learning to develop and deliver effective key messages during all types of communication and media interviews.

Mike Deutmeyer, Weber Stone Co. -

“Haiti Relief Flights”

When he could have just given money to charities that were doing on the ground work in Haiti immediately after the Haitian earthquake, Mike and his father took to the air in their business jet to help the relief agencies deliver aid to the outlying areas of Haiti where the assistance was desperately needed. Hear Mike talk about the multiple trips he and his father made in those days after the quake.

5:30 p.m. -
Midnight

PRESIDENT’S BANQUET

5:30 p.m.

Cocktail Hour

5:30 –
7:30 p.m.

APAI Scholarship Silent Auction

6:30 p.m.

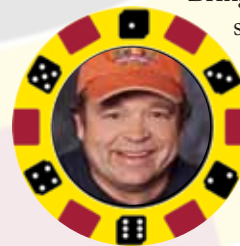
President’s Banquet

7:30 p.m.

Introduction of New Board
• President’s Outgoing Speech
• APAI Outstanding Member Award
• Passing of the Gavel
• New President’s Incoming Speech
• Silent Auction Results

8:00 p.m.
- midnight

Johnny Holm Band



Bringing you the best act since sliced bread!!!!
Give them five minutes and you will stay for the rest of the show.

For registration information, click [here](#).

NCAT Recognizes Kenyon on Their “Wall of Honor”

The National Center for Asphalt Technology (NCAT) celebrated its 25th anniversary in August with a special ceremony honoring the first 18 inductees into its new NCAT Wall of Honor. The individuals inducted were honored for their dedication to fulfilling NCAT’s mission. Wall of Honor members received individual plaques featuring a carved portrait and a short description of their contribution to NCAT.

Jim Zeigler, formerly of Rohlin Construction Co. of Estherville, received

Ronald Kenyon’s award on his family’s behalf. Mr. Kenyon played a critical role in planning NCAT and he led fundraising efforts for its establishment. He also supported NCAT in its early years as chairman of NAPAREF and was an original member of the NCAT Board of Directors. Ron was eventually named as an emeritus member of that board. Mr. Kenyon supported many students studying asphalt technology by establishing the Kenyon Fellowship program. This Fellowship is available for Auburn University Graduate School

students who work on NCAT research projects.

Other recipients of the Wall of Honor award are: Mike Acott, Ray Bass, Mac Badgett, Larry Benefield, Ned Bechthold, Don Brock, Ray Brown, Tim Docter, Jon Epps, John Gray, Ken Kendhal, Mike McCartney, Paul Parks, Charlie Potts, Mack Roberts, Bob Thompson, and Chuck Van Deusen. Let us all join in congratulating these individuals for their accomplishments and their prestigious recognition from NCAT.

APAI Office Manager Elected to State Wide Office

On October 8, 2011 A P A I Office Manager, Minnie Coree, was elected to the position of Grand Royal Matron of the Grand Court of Iowa Order of the Amaranth, Inc. She will head the Grand Court of Iowa for the ensuing year. In Iowa the Order of the Amaranth has approximately 150 members in six courts that are located in Ames, Cedar Falls, Davenport, Des Moines, Iowa City and Ottumwa. The Order of the



Amaranth is a social, fraternal, and charitable organization open to both men and women with a Masonic affiliation. The sole philanthropic project of the Order of the Amaranth is the Amaranth Diabetes Foundation Trust which with the cooperation of the American Diabetes Association directs 100% of funds collected to research grants that will aid in finding a cure for diabetes. If you are interested in finding out more information on the Order of the Amaranth and its philanthropy, just ask Minnie as she will be glad to tell you more about it. Our congratulations to Minnie on this great honor and good luck as she continues through her year of leadership.

Associate Members and Suppliers are encouraged to sponsor a session of the 56th APAI Annual Convention and all APAI members are encouraged to provide an item for the APAI Scholarship Silent Auction to be held on December 1, 2011 during the 56th APAI Annual Convention.

Click here to sponsor or to provide silent auction items.

(Avoiding Landmines in Construction – cont. from page 5)

work or materials. Remember to make a copy of what you send and save your proof of service.

- b. You must file suit no later than one year after the date you last furnished work or materials for the project.

D. If you are a claimant who only has a direct contractual relationship with other than the prime contractor or a first tier subcontractor (see diagram on page 5):

1. You can only sue the person with whom you had a contract.
You have no right to make a claim against the Miller Act Bond.

The above information is very brief. You should contact an attorney to obtain further and more detailed information. Please remember that all laws can and do change from time to time and the rules in effect this year may not be in effect next year.

Conclusion As To Miller Act Payment Bond Claims

These instructions and the “Miller Act Notice for Federal Public Works Projects” are applicable to federal construction projects in California. Where complications arise or you feel you may not receive payment for work performed or materials supplied, then you must contact an attorney immediately for assistance. The practice of law has become very specialized. It is therefore recommended that you do not consult with an attorney who is a “general practitioner,” but instead consult with an attorney who specializes in construction law.

The Miller Act permits the claimant to have both the bond on file for the project and the contract with the general contractor. You must submit an affidavit to obtain these documents but the copies you will obtain can be used in lieu of original documents for purposes of a lawsuit. Payment will come from the bond company in accord with the terms of the bond so you must then commence

Prepared By: Kathryn Barnhill, Barnhill & Associates, P.C. 1721 25th Street, Suite 150, West Des Moines, IA 50266(515) 223-7230

AFFIDAVIT IN RE
XYZ, Inc.

State of Iowa,
ss
Scott County

I, _____, being first duly sworn or affirmed do hereby depose and state of my personal knowledge that:

1. I am the _____ for XYZ Inc. (“XYZ”) and have been the _____ for _____ for years.
2. Of my own personal knowledge, XYZ is a duly organized Iowa Corporation, in good standing and has been in business as a since with its principal offices located at _____.
3. That XYZ supplied labor and materials for work described in the contract referenced below and payment for the work has not been made.
4. XYZ provided said labor and materials as a subcontractor to General Contractor ABC for the _____ project (solicitation #).
5. That XYZ has been paid \$ _____ on a total amount invoiced of \$ _____ leaving a balance of \$ _____ unpaid as of _____, 2011.
6. It has been over ninety (90) days since XYZ last provided services onsite for the project.

I hereby swear and attest that the above information is accurate and truthful. I make this Affidavit pursuant to 40 USC Section 3133 to obtain a certified copy of the payment bond and the contract for which it was given on the above referenced project.

Dated this ____ day of _____, 2011

SUBSCRIBED AND SWORN TO before me, this ____ day of September, 2011.

Notary Public in and for the State of Iowa

a lawsuit against the bond company to get paid unless a settlement can be reached without the need for a lawsuit.

The requirements are set out plainly in the Act itself and the Act itself can be found by a Google search for Miller Act or 40 USCS 3131. A sample affidavit for use in obtaining the necessary documents follows.

Kathryn Barnhill holds a law degree from Drake University, Des Moines, Iowa where she graduated with honors and was awarded Order of the Coif (top 10% of her class). She also has an M.B.A. degree, also from Drake University. Barnhill & Associates P.L.C. is a small highly specialized law firm concentrating almost exclusively in real estate, real estate development and construction law. Kathryn has served on numerous Boards of Directors and is a member of the Asphalt Paving Association of Iowa.

The author thanks Mr. David Porter for his kind permission to reprint his article on the Miller Act.

APAI Welcomes New Members

APAI has added 6 more new members this year, 2 contractor/pavement recycling members and 4 associate members. Raising the total to eleven new members in 2011. Thank you to those who have helped recruit these new members. These companies and their sponsors will be eligible to have their names drawn from the official hard hat during the 56th APAI Annual Convention which will be held at the West Des Moines Marriott on November 30-December 1, 2011 for the Snow Goose Hunting Trip (link to: <http://www.apai.net/apaimembershipcontest11.aspx>) that is being offered by Jim Hawk Truck Trailers. Join with us in welcoming our new members and please take advantage of the services that they offer.



Midstate Reclamation was formed in 1991 with the purchase of Minnesota's first asphalt reclaimer. This Midwest based company operates in 13 states and serves as an industry leader providing innovative solutions for pavement recycling, asphalt milling, soil stabilization, and heavy haul transportation services for their customers.



W K Construction Company, Inc. has been in the asphalt milling business since 1982. During that time their business has expanded to utilize other

alternative reconstruction methods using milling and paving technologies. W K Construction now offers not only milling; but also, micro milling, pulverizing and cold in-place recycling. W K Construction does cold in-place recycling with both emulsion and foamed asphalt.

ASPHALT MATERIALS TECHNOLOGY

Asphalt Materials Technology does consultant work specializing in the areas of Technical Training, Quality Control/Quality Assurance, Inspection and Mix Design. Mr. Hinrichsen brings thirty four years of experience in HMA laboratory and field work and over twenty years of experience in technician training to the company.



Incorporated in 1990, Logan Contractors Supply has serviced the Iowa, Nebraska and Midwest market for over 20 years. Logan is unique in the fact that they handle equipment, materials, supplies and rentals. Logan Contractors Supply is heavily involved in the maintenance markets, offering hot pour sealants and equipment, specialized hot and cold repair products and many supply items such as; shovels, squeegees, lutes, flags and more. Logan Contractors Supply also offers for rent hot pour applicators, double drum rollers, air compressors, skidsteers and other needed equipment. Complete parts and service departments are offered in each of their locations.



Waste Commission of Scott County (Commission), an inter-governmental agency in Davenport that operates the Scott Area Landfill, implemented a shingle recycling program in 2004. As part of the program, the Commission has 63 local roofers and contractors that deliver clean asphalt shingles to the landfill for recycling. As an incentive to ensure clean loads, the Commission offers a reduced tipping fee, free trash bags and marketing tools to program participants. The clean shingles are tested for asbestos and asbestos-free shingles are stockpiled and then ground according to market specifications. The Commission follows the Iowa Department of Transportation's developmental specification in all aspects of its shingle recycling program. Hot mix asphalt companies then purchase the ground shingles for use in asphalt paving. Recycled asphalt shingles replace a portion of the petroleum-based binder used in the asphalt process. Through this program, the Commission has recycled approximately 16,000 tons of shingles.



MeadWestvaco Corporation is a global technology provider for the asphalt paving industry. Their complete line of asphalt emulsifiers and additives provide superior performance with a wide variety of aggregates and asphalt cements.

In the selection of the proper emulsifier, the characteristics of the

asphalt, aggregate, and the desired performance properties and climatic conditions during application should be taken into account. Mixing, coating, workability, and cure times can all be heavily influenced by emulsifier choice.

Because of the complexity of these systems, MeadWestvaco provides technical assistance in the use of their asphalt emulsifiers and additives. These services are provided globally through their research facility in Charleston, South Carolina, and laboratories in Lille, France and Shanghai and Beijing, China.

HAWKEYE CONSULTING SERVICE

Hawkeye Consulting Service specializes in the brokering of both used asphalt plants and plant component sales. They offer new portable and stationary asphalt plants, and do consulting on both new and used plant set up and operations.



QPR is the nation's leader in asphalt repair materials, providing high performance cold mix in bulk from quality and service-driven distributors in hundreds of locations from coast to coast. Additionally, QPR offers a full line of safety apparel, traffic control, and work tools, as well as premium grade asphalt additives and solvents. QPR is also available in easy-to-use bags along with the QPR RoadShop, a complete line of asphalt maintenance products, available at all Lowe's stores throughout North America.

Please welcome these new members and show your support for them, by contacting them and utilizing their services. To find contact information for these members, go to www.apai.net/members.aspx.

APAI Young Contractors Address UNI Construction Management Club

Two of the APAI's young contractors took time out of their busy fall schedules to address forty members of the UNI Construction Management Club on Sept. 29th. Barry Rhinehart, Estimator / Project Manager for the LL Pelling Co. and Travis Tarr, Estimator / Project Manager for Heartland Asphalt, along with Bill Rosener, EVP of the APAI, spoke to the large group on the opportunities available to hard-working, driven young men and women in the asphalt industry. The UNI students were very involved in the discussion and asked questions about pay, hours, and the benefits of asphalt versus concrete. The APAI would like to thank Barry and Travis for making this event something the UNI students look forward to attending each year.

Barry Rhinehart
L. L. Pelling Co., Inc.



Travis Tarr
Heartland Asphalt, Inc.



APAI Members

CONTRACTOR MEMBERS

Aspro, Inc., Waterloo
Blacktop Service Company, Humboldt
Determann Asphalt Paving, L.L.C., Camanche
Duininck Inc., Prinsburg, MN
Fort Dodge Asphalt Company, Fort Dodge
Gee Asphalt Systems, Inc., Cedar Rapids
General Asphalt Construction Company, Davenport
Grimes Asphalt & Paving Corp., Grimes
Heartland Asphalt, Inc., Mason City
Henningsen Construction, Inc., Atlantic
Illowa Investment, Inc., Blue Grass
Kluesner Construction, Inc., Farley
Knife River Midwest, L.L.C., Sioux City
Koss Construction Company, Topeka, KS
Manatt's, Inc., Brooklyn
Mathy Construction Company, Onalaska, WI
River City Paving, Dubuque
McCarthy Improvement Company, Davenport
MidState Reclamation, Inc., Lakeville, MN
Norris Asphalt Paving Company, Ottumwa
Oldcastle Materials Group
Cessford Construction Company, LeGrand
Des Moines Asphalt & Paving Company, Ankeny
Tri-State Paving, Inc., Estherville
Pate Asphalt Systems, Marion
L. L. Pelling Company, Inc., North Liberty
Shamrock Construction Company, L.L.C., Coralville
Shipley Contracting Corp., Burlington
Western Engineering Company, Inc., Harlan
W.K. Construction Co., Middleton, WI

SUPPLIER MEMBERS

Bituminous Materials & Supply Company, L.P., Des Moines
Flint Hills Resources, Dubuque
Jebro, Inc., Sioux City

AGGREGATE SUPPLIER MEMBERS

BMC Aggregates, L.C., Elk Run Heights
Concrete Materials Co., Sioux Falls, SD
L. G. Everist, Inc., Sioux Falls, SD
Hallett Materials, Des Moines
Kuhlman Construction L.C., Colesburg
Martin Marietta Materials, Des Moines
Schildberg Construction Company, Greenfield
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ASSOCIATE MEMBERS

Accurate Test Systems, Inc., Richfield, MN
Ahrold Fay Rosenberg, Inc., Des Moines
Altorfer, Inc., Cedar Rapids
Antigo Construction, Inc., Antigo, WI
Arr-Maz Custom Chemicals, Mulberry, FL
Asphalt Materials Technology, L.C., Ames
Astec Industries, Chattanooga, TN
Avello Bioenergy, Boone
Barnhill & Associates, West Des Moines
James W. Bell Company, Inc., Cedar Rapids
Bituminous Insurance Company, West Des Moines
BOMAG Americas, Kewanee, IL
Bonnie's Barricades, Inc., Des Moines
Burroughs Consulting Group, Hiawatha
Central Service & Supply, Inc., Ankeny
Coleman-Moore Company, Des Moines
Construction & Aggregate Products, Des Moines

Construction Materials Testing, Des Moines
Cryogenic Engineering, Cedar Rapids
Custom Welding & Metal Fabricating, Inc., Waite Park, MN
Cylosoft, Inc., Ames
Dahl Trucking, Inc., Elmore, MN
Denco Highway Construction, Mingo
J.D. Donovan, Inc., Rockville, MN
Edwards Contracting Ltd., Hampton
Elite Flagging, Inc., Cedar Rapids
Flagger Pros USA, Ames
Gencor Industries, Inc., Orlando, FL
Glendandy Marketing & Advertising, Ames
Hawkeye Consulting Service, Inc., Cedar Rapids
Heuss Printing, Inc., Ames
Holmes Murphy & Associates, West Des Moines
Humboldt Manufacturing Company, Schiller Park, IL
Innoventor, St. Louis, MO
Iowa Parts, Inc., Cedar Rapids
Iowa Plains Signing, Slater
Jim Hawk Truck Trailers, Inc., Altoona
La Mair-Mulock-Condon Company, West Des Moines
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Manhole Adjustable Riser Company, Oskaloosa
MeadWestvaco Corporation, North Charleston, SC
Merchants Bonding Company, Des Moines
Modified Asphalt Solutions, Inc., West Des Moines
Ron Monson and Sons, Britt
Murphy Tractor & Equipment Company, Inc., Wichita, KS
QPR, Alpharetta, GA
Quality Striping, Inc., d/b/a DPLM, Inc., Des Moines
Quality Traffic Control, Inc., Des Moines
Quick Supply Company, Des Moines
R2R Recycling, L.L.C., West Des Moines
Road Machinery & Supplies, Des Moines
Road Science, Juniata, NE
RoadSafe Traffic Safety, Inc., Des Moines
Roadtec, Inc., Chattanooga, TN
Sakai America, Inc., Adairsville, GA
Save Our Sewers, Inc., Cedar Rapids
Star Equipment, Ltd., Des Moines
3M Company, Omaha, NE
Tarmac, Inc., Blue Springs, MO
Tennis Services of Iowa, Marion
Terex Roadbuilding, Cedar Rapids
Titan Machinery, Des Moines
Unique Paving Materials, Cleveland, OH
Valley Environmental Services, Newton
Walker Construction Company, Emporia, KS
Waste Commission of Scott County, Buffalo
Weiler, Knoxville
Wells Fargo Bank, Des Moines
Whitfield & Eddy, P.L.C., West Des Moines
Wirtgen America, Inc., Antioch, TN
Wynne Transport Service, Inc., Omaha, NE
XL Specialized Trailers, Inc., Manchester
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CONSULTING ENGINEERS

Anderson-Bogert Engineers & Surveyors, Inc., Cedar Rapids
Bolton & Menk, Inc., Ames
Bishop Engineering, Urbandale
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