



# AGC NYS Newsletter August 16, 2018

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## Upcoming Events

### SEPTEMBER

- 12** [NYC Cranes & Derricks Workshop](#)
- 18** [Succession Planning - NYC](#)

### OCTOBER

- 11-12** [Project Manager/Engineer Development Program Begins - Albany](#)

### NOVEMBER

- 15** [LEAN Education Program Begins - Syracuse](#)

## Industry News

### **AGC NYS Launches Members-Only Searchable M/WBE Waiver Database**

AGC NYS is pleased to announce the launch of our searchable M/WBE Waiver Database.

We believe this information will be valuable to members as they put together their good faith efforts and seek waivers where appropriate, since a history of waivers being granted on similar projects in the region is evidence of a lack of capacity to reach higher goals. You can [access it here](#).

This is still a work in progress, and we are continuing to FOIL agencies for updated waiver information to expand the volume of information available. Some agencies are providing complete waiver packages, which others are providing lists of projects that have had waivers issued without detailed info.

Thanks to our team for their work on this, and special thanks to Jen Harvey of Couch White who put a lot of work into making these documents intelligible.

Please let us know what you think of this new tool and check back with it often, as we expect the amount of information available to regularly increase over time.

**Toward that end, if your company has received approval for waiver requests, we would encourage you to submit those documents to AGC NYS to be included in the database for the benefit of your fellow members. If you have approved waiver packages, please send the documents in PDF format to Cathy at [cnewell@agcnys.org](mailto:cnewell@agcnys.org) or Bryanna at [bryanna@agcnys.org](mailto:bryanna@agcnys.org).**

### **AGC NYS Members Testify Before NYS Senate in Vestal on M/WBE Program**

Our thanks to AGC members Mary Murphy Harrison of Barney & Dickenson, Jim O'Brien of Bothar Construction, Nick DeVincentis of R. DeVincentis Construction, Joe Mancini of Andrew R. Mancini Associates, Nick Cerretani of C&C Ready Mix Corp., and Jeff Streeter of Streeter Associates for once again doing a great job testifying on industry challenges of the M/WBE program at the New York State Senate hearing in Vestal.

As you know, [the Senate will be holding additional hearings across New York](#) in the coming weeks and months. We have been and will continue to reach out to members to participate in the upcoming hearings.

If you'd like to participate in one of the upcoming hearings, please contact Walter at [wpacholczak@agcnys.org](mailto:wpacholczak@agcnys.org).

Thanks again to those who took the time to participate and be heard. For the full Vestal testimony video, [click here](#). [Click here](#) to watch the AGC NYS testimony from the M/WBE hearing in Albany on May 30. [Click here](#) to watch AGC NYS members testify at the M/WBE hearing in Watertown on July 17.



### **Governor Cuomo Announces \$92 Million Albany International Airport Expansion**

#### *Includes \$42.1 Facility Modernization*

Earlier this week, Governor Cuomo announced plans for a \$42.1 million modernization project for the Albany International Airport. That includes a \$22.1 million grant from the State of New York. In addition, the announcement noted the \$50 million Northway-Airport Connector project.

#### **The facility modernization project will include:**

**New Parking Garage** -- The project will construct a 1,000-unit, multi-level parking garage, expanding airport parking capacity by 20 percent. The pre-cast concrete garage will provide a heated pedestrian walkway to the airport terminal. Energy-efficient LED lights will illuminate that bridge, enhancing visibility as well as vehicular and pedestrian safety.

**Parking Access Improvements** -- The project will install new LED electronic signage, car counting devices, and interactive access control devices that utilize advanced GPS technology to locate available parking spaces and provide wayfinding messages that direct motorists to them. The existing parking system is nearly 20 years old and its electronic controls are in disrepair.

**Terminal Rehabilitation and Passenger Amenities** - The project will rehabilitate the terminal, including escalators, restrooms, waiting rooms and the food court. Improvements will include new carpets, wall finishes, tile floors, energy-efficient lighting fixtures and better Internet connectivity.

[Click here](#) for a copy of the press release.

### ***New York City Releases New Sexual Harassment Notice and Factsheet – Must be Posted and Distributed by September 6***

New York City has formally released a new Sexual Harassment factsheet and notice for all companies doing work on the city. All NYC employers must have these posted by **September 6, 2018**. All employers are required to provide written notice of employees' rights under the Human Rights Law both in the form of a displayed poster and as an information sheet distributed to individual employees at the time of hire. You can download the [FACTSHEET here](#) and the [NOTICE \(11x17\) here](#).

### ***AGC-Backed Change Order and Past Performance Reforms Signed into Law***

On Monday, August 13, President Donald Trump signed into law the 2019 National Defense Authorization Conference Report. Included in the 2019 NDAA is the AGC-backed bipartisan legislation that will require federal agencies to publish their policy and procedures on equitable adjustments to a contract, more commonly known as change orders, on any small federal construction contract out for bid, and require agencies to report on the time it takes to process these change orders. This legislation provides prospective federal construction contractors with the information they need to factor the risk and resulting cost of delayed payment for change into bids and offers to the federal government.

For the full letter from AGC of America CEO Steve Sandherr, [click here](#).

### ***AGC NYS Jeffrey J. Zogg Build NY Award Applications Now Available***

The applications for the 2018 Jeffrey J. Zogg Build NY awards can now be [downloaded on the AGC NYS website here](#). The deadline is **October 5, 2018**.

The awards emphasize the construction team, not only the general contractor or construction manager, but also many others – the owner, architect, engineer, subcontractors, suppliers, and craftspeople – who contribute to the success of a project. Since its inception, the Build New York Award winners have symbolized the best of construction projects in the state. Winning projects have included buildings and bridges large and small, new and renovations, public and private. Some projects are beautiful, others ordinary to the eye. But they all have one thing in common – they presented challenges that were met successfully by the winning company and the project team.



If you have any questions, please contact Brendan Manning at [bmanning@agcnys.org](mailto:bmanning@agcnys.org).

### ***JLT Build America Awards Application Site Now Open***

*Application Deadline: October 24, 2018*

AGC of America is proud to announce the launch of the [2019 JLT Build America Awards](#). AGC members who meet the competition requirements are encouraged to apply online for some much-deserved recognition.

The JLT Build America awards honor AGC members who build the nation's most impressive construction projects ranging across the building, highway and transportation, utility infrastructure, and federal and heavy divisions. JLT Build America winners excel in the areas of:

- State-of-the-art advancement
- Project management
- Innovation in construction techniques or materials
- Safety record
- Client service
- Community relations
- Environmental sensitivity
- Partnering excellence

## **Education News**

### ***Succession Planning: Develop Your Options and Plan For An Effective Transition***

*Tuesday, September 18 | 11:30 a.m. (lunch provided) | Rosie O'Grady's, 800 7th Avenue, 2nd Floor, New York, N.Y.*

Today's economy and business environments creates opportunities and challenges for succession planning. We will discuss strategies to put in place effective transitions:

- Generational transfer
- Insider sale
- Strategic or Financial buyer
- ESOP

#### **Panel:**

##### Speakers:

- Jack Callahan of CohnReznick
- Sheldon Cammaker, Of Counsel, Duane Morris
- John Dillon, Director, Engineering & Construction Team, BMO Harris Bank N. A.
- Thomas D. Barr, Chairman – Barr & Barr Construction

Moderator: Pat DiCerbo, Financial Advisor, Northwestern Mutual

## **REGISTER HERE**

### ***Project Manager/Engineer Development Program Registration Open - Begins October 11-12***

This program will provide the essential skills of project management through five separate courses. Each highly interactive, 16-hour course will be held over two days providing participants with the necessary knowledge and skills to enhance their ability to work successfully with others to ensure project success. Since 2009, the AGC NYS has graduated over 115 individuals from the program and countless others have taken a few select classes.

[Register here.](#)

### ***LEAN Education Program - Syracuse, Begins November 15***

Everyone related to the construction process has incentive to get the project done faster and at a lower cost – from the project owners who want to see tangible results for their investment to the contractors and designers who want to do their job well and move on to the next project. Lean Construction is based on the holistic pursuit of continuous improvements aimed at minimizing costs and maximizing value on a construction project: planning, design, construction, activation, operations, maintenance, salvaging, and recycling.

To help contractors develop the knowledge needed to build lean, the Associated General Contractors of America developed the Lean Construction Education Program.

How lean is implemented within a construction firm can vary based on many factors, and the lean transformation is most effectively driven and planned by individuals within a firm. This series of courses are intended for an organization's lean champions, who will design and implement a company's lean transformation strategy at the corporate and project levels. For more information, [click here.](#)

### ***Future Construction Leaders Program - Registration Now Open***

The AGC NYS proudly presents a program designed to assist the construction contractor member in developing future construction company managers and leaders. The Future Construction Leaders of New York State (FCLNYS) program will help teach the issues involved in managing a construction business in New York State. Attendees will have an opportunity to learn, in a structured environment, what they might otherwise spend years learning from personal experience.



Based on a similar AGC of America program, the FCLNYS will accept about 20 to 30 mid-career managers who have been identified by their companies as future company and AGC leaders. The group will meet several times throughout the year, both independently and in conjunction with other AGC events. Locations of the meetings will be spread across the state. Each meeting will last one or two days, and will combine instruction time with networking activities and social events.

From 1998 to 2018, AGC has graduated 400 professionals from the Future Construction Leaders program. Both participants and their executive leaders feel the program is a huge success. To register, [click here](#).

### ***AGC Education and Research Foundation Undergraduate and Graduate Scholarship is Now Open - Deadline to Apply is November 1, 2018***

Each year the AGC Education and Research Foundation offers [undergraduate](#) and graduate level scholarships to students enrolled in ABET or ACCE accredited construction management or construction related engineering programs. The application opened July 1, 2018 and closes November 1, 2018.

Over \$10 million in scholarships have been awarded to more than 4,000 students attending colleges and universities across the country. Through endowments made by AGC members and supporters, as well as AGC Chapters, the Education and Research Foundation awards over 100 scholarships each year to students dedicated to pursuing a career in the construction industry. Students can [click here](#) to apply.

## ***Building News***

### ***NYS Education Dept. Office of the Professions Drops Case Against AGC NYS Member***

Earlier this year we wrote about a stunning move by the NYS Education Department's Office of the Professions; a move that was cause for great concern. One of their investigators paid an aggressive visit to an AGC NYS Members' Office in response to a complaint by a disgruntled architect. In the course of the visit, the investigator apparently suggested that by the contractors' action of making value engineering suggestions, review of trade contractor submittals before passing them on to the architect for approval and the production of as-built drawings, he is illegally practicing engineering without a license and has, therefore, committed a Class E Felony. Given the gravity of the matter for the entire AGC NYS Membership, [we reacted swiftly with a very strong letter](#) to the Deputy Commissioner for the Office of the Professions. In the letter, we noted our hope that this was a mere misunderstanding and that we recognize the severe danger this matter poses to the entire AGC NYS Membership.

We uttered a huge sigh of relief last week when we heard that after many meetings with SED and a letter from the Members' attorney, the matter was dropped. Relative to the primary issue in the complaint – value engineering – it was stated that the contractor was not engaging in design but was consulting on costs.

### ***Registration is Open for AGC's 2018 BuildCon – Extend Your Stay and Celebrate AGC's Centennial*** *September 29 – October 1, 2018 | Washington, DC*

The [AGC's BuildCon 2018](#), featuring AGC's owner group, the Public/Private Industry Advisory Council, provides construction professionals the opportunity to gain first-hand knowledge and insight from industry leaders, owners, and contractor peers on improving your organization's safety strategies, project delivery approaches, and business development practices.

Held in conjunction with the [AGC Centennial Celebration](#), the [AGC Joint Contractors Conference](#) brings together four AGC events to the DC area. Each conference will have it's own education sessions but the networking events will all be co-mingled in hopes of fostering further collaboration between construction specialties within the industry.

## **Highway News**

### ***Onondaga County M/WBE Program Updates***

This month, the Onondaga County Legislature passed an M/WBE Resolution effective on all contracts in excess of \$20,000 solicited after August 1, 2018. This law will require all contracts to have 30% M/WBE goals, 30% EEO Workforce goals, and the County (Purchasing Director) may, in its sole discretion, proceed with awarding a contract to another bidder if the low bidder fails to meet the goals and cannot provide adequate Good Faith Effort. The resolution [can be found here](#), please feel free to contact us with questions or concerns, and reach out to your elected County Legislator or County officials to voice your opinions on this Resolution.

### ***Excellence in Partnering Award Application – Now Available***

The 2018 Partnering Award Application is now available for submission. The deadline is October 25, 2018. Awards will be presented at the 32nd Annual Construction Industry Conference this December in Saratoga Springs. The application MUST be submitted to the Owner of the project for their approval PRIOR to submission. [Please click here for a copy of the application](#). If you have any questions or need additional information, please contact us at (518) 456-1134.

### ***Highway, Transportation and Utility Construction Conference***

#### ***Registration Open for September 29-October 1 Meeting***

The major issues that will impact contractors involved in the highway, transportation and utility construction markets will be addressed as part of the Joint Contractors Conference scheduled for September 29-October 1, 2018 in Crystal City, Virginia (DC area). Transportation Secretary Elaine Chao has been invited to discuss President Trump's infrastructure and regulatory reform agenda. Other issues covered will include:

- Washington Outlook: Elections, Funding, Infrastructure, Regulatory Reform
- Controlling the Shift in Ownership of Non-Traditional Risk
- Robotics: The Next Big Innovation in Construction
- New Developments in Tunneling Technology
- AGC's Underground Utility Damage Prevention Program
- Challenges and Solutions Building Washington's South Capitol Street Bridge

A special feature will be an interactive collaborative project with members of AGC's Construction Leadership Council (young constructor group). [Register here](#).

### ***AGC of America - DOT Use of Positive Barrier***

Contractors involved in highway and bridge improvement projects around the country are concerned about the safety of their employees when working next to moving traffic. Over the past five years, an estimated 650 workers have been killed nationally in work zone crashes. Speeding, distracted and impaired driving are blamed directly for many of the crashes and resulting fatalities. Contractors, however, are not able to control motorist behavior.

An important method for protecting workers from motor vehicle intrusions is the use of positive (concrete) barriers between vehicle traffic and construction activities. AGCA is attempting to determine if state DOTs are allowing the regular use of positive barrier on federally funded projects in circumstances where their use would seem appropriate.

Please take ten minutes to help us determine if this remains a problem in your state on federally funded projects [by answering the survey questions](#).

## **Government Affairs**

### **STATE NEWS**

#### ***AGC NYS Requests Veto of Design Professional Indemnification Bill***

AGC NYS [sent a letter to Governor Andrew Cuomo urging him to veto legislation](#) that would limit the indemnification requirements to the degree or percentage or fault attributable to design professionals and unfairly shifts liability, risk, and litigation expenses to contractors, subcontractors, and construction managers. The bill would apply to all state, public authority, city, county, town, village, industrial development agency, land bank or public benefit corporation construction projects jeopardizing critical economic development, affordable housing, and other infrastructure projects.

AGC NYS stated that rather than limiting design professionals indemnification requirements to the degree or percentage or fault attributable, New York should work reform the absolute liability standard of the Scaffold Law.

### **FEDERAL NEWS**

#### ***AGC Working to Fix the Hours of Service Rule - We Need your Help: Contact your Representative***

AGC is working in support of the HOURS Act, which would expand the logging exemption for short haul drivers from 100 to 150 miles, expand the on-duty time to 14 hours and eliminate the 30-minute rest requirement. Certain paperwork requirements would also be eased and the Federal Motor Carrier Administration (FMCSA) would be encouraged to move expeditiously to finalize a rule on the use of sleeper berth to meet off-duty provisions. AGC is urging members to [contact their Congressional representative](#) through AGC's Legislative Action Center.

#### ***Urge Your Representative to Support for House Transportation Committee Infrastructure Plan***

On July 23, House Committee on Transportation and Infrastructure Chairman Bill Shuster released a discussion draft to make significant investments in our nation's infrastructure. Whether or not this proposal is successful depends upon you, and other construction industry professionals, collectively calling upon your federally elected officials to put partisanship aside and do what is right for our nation. [Contact your U.S. representative](#) so that they can hear YOUR voice and understand that investing in and improving our nation's infrastructure helps America prosper.

### **NEW YORK CITY NEWS**

#### ***Governor Appoints Wylde and Herman to Metropolitan Transportation Sustainability Workgroup***

Governor Cuomo appointed Kathryn S. Wylde and Rhonda Herman to serve on the Metropolitan Transportation Sustainability Advisory Group, a panel established under the 2018-19 New York State Budget and tasked with making recommendations on strategies to improve and fund public transit in the New York City region.

The budget language states that the group is to consist of 10 members: two appointed by Gov. Andrew M. Cuomo, two by the state Assembly, two by the State Senate, and the others by the Metropolitan Transportation Authority, Mayor Bill de Blasio, the city Department of Transportation, and the state Department of Transportation. The advisory workgroup will undertake a review of the actions and measures that are necessary to provide safe, adequate, efficient, and reliable transportation within the city of New York and the metropolitan commuter transportation district within any available resources and shall review and make recommendations. The advisory workgroup shall, on or before December 31, 2018, by a majority vote approve and issue a final report and recommendations.

## **Safety News**

### ***NYC Cranes & Derricks Workshop: Navigating the Cranes & Derricks Regulatory Environment in NYC***

*Please join us for this important breakfast seminar!*

**WHERE:** Cornell Club, 6 East 44th Street, New York, N.Y.

**WHEN:** Wednesday, September 12, 8:00 a.m. breakfast, 8:30 a.m. - 11:00 a.m. program

**COST:** \$95 per person for AGC NYS and BCA Members, \$125 per person for non-members. Each attendee will receive a Copy of the 2018 New York City Cranes & Derricks Handbook (Volume 3).

#### **SPACE IS LIMITED TO 65 ATTENDEES! Register here**

**Who Should Attend:** Executives, Project Managers, Superintendents and Safety Personnel.

Each Registered Attendee will receive a copy of the 2018 Cranes & Derricks Handbook.

**Topics to be covered:** Rules and Regulations, Protocols and Procedures, Preplanning, Recent Directives, Trends, Documents, Compliance, Alternatives and Responsibilities.

**SPEAKERS:** Larry Shapiro, PE, Howard I. Shapiro & Associates; Mathieu Chaudanson, PE, Howard I. Shapiro & Associates ; Jim Upton, New York Crane

#### **Order Your Copy! NYC DOB Chapter 33 "Safeguards During Construction and Demolition"**

Thanks to our partnership with TSC, AGC NYS is proud to announce the AGC NYS Version of NYC DOB Chapter 33 "Safeguards During Construction and Demolition" New York City Building Code, February 2018 Edition. 355 pages covers all sections from BC3301 to BC3321.

#### **Appendices included:**

- 1RCNY3301-01 Construction Site Signs
- 1RCNY 3301-02 Construction Superintendents
- 1RCNY 3310-01 Site Safety
- 1RCNY 3310-02 Concrete Safety Managers
- 1RCNY 3314-01 Mast-climbing work platforms
- 1RCNY 3314-02 Suspended scaffold training requirements
- 1RCNY 3319-02 Lift Director
- Local Law 14 of 2018

#### **PLUS BONUS SECTIONS-AGC NYS VERSION ONLY**

- FDNY Fire Code Chapter 14 – Fire Safety During Construction, Alteration and Demolition
- DEP - A Guide to NYC Noise Code
- Final Rule on Work Zone Safety and Mobility

**Don't miss out! [Order here.](#)**

## **Around the State**

Joe and Dennis were in NYC visiting Members and prospective members.



AGC NYS Members Receive 15% Off  
at [TSC Training Academy](#)



AGC NYS Members Receive 10% Off  
at [Safety Supplies Unlimited](#)