



**AGC NYS
Newsletter
October 25, 2018**

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Upcoming Events

OCTOBER

25 [STP Program - Albany, Unit 4](#)

NOVEMBER

7 [FDNY Construction Update - NYC](#)
 7 [Becoming a Notary Public - Albany](#)
 15 [LEAN Education Program Begins - Syracuse](#)

Industry News

2018 AGC NYS Construction Industry Conference Registration Open!

For the 32nd year, we have assembled government agencies and industry professionals to discuss topics, trends and legislation that impact the construction industry. Our training programs and workshops are informational and educational, helping you build your business with an eye on the future. The conference is being held December 4-6, 2018. To fill out the registration form for the conference and view available programs, [click here](#). To register online, [click here](#). To make your hotel reservation, [click here](#).

The Trade Show will be held on Wednesday, December 5, 2018. This year we will be conducting a special raffle for registrants who visit our vendors and you could be the winner of an Apple Watch. Again the Trade Show is open to conference attendees only. Please [click here](#) for registration materials for a booth.

[Click here](#) to become a sponsor at the 2018 Industry Conference. Thank you to our current sponsors, Couch White, LLP, High Steel Structures, Inc., and OGGI Concrete Forms and Accessories, Inc.!

If you have any questions please contact [Cathy Newell via email](#) or at (518) 456-1134.

Rebuild NY Now Set to Host Panel Discussion on the Future of the New York State Thruway

Rebuild NY Now, a broad-based coalition seeking to raise public awareness about the issues impacting New York State's infrastructure, is holding a panel discussion on Monday, November 26 from 11:30 a.m. - 1:30 p.m. to examine the future of New York's "main street." The event will be held at the Hearst Media Center on Albany Shaker Road in Albany, and lunch will be provided. Don't miss out on this opportunity to hear from a remarkable panel consisting of four past leaders of the Thruway Authority - Mike Fleischer, Tom Madison, Mike Shamma and Maria Lehman. To RSVP, [click here](#).

Excellence in Partnering Award Application – DEADLINE EXTENDED

The 2018 Partnering Award Application is still available for submission and **the deadline has been extended to Friday, November 2**. 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.

Advertise in the Winter Issue of Cornerstone Magazine!

Looking to be seen in the final Cornerstone Magazine of 2018? Place an ad in the Winter issue, set to be released at the 2018 AGC NYS Construction Industry Conference! For more information, email Brooke Rayder at brayder@agcnys.org, or call (518) 456-1134.

New NYS Sexual Harassment Guidelines are Finalized and Now Active

On October 1, NYS released their final guidelines on the new Sexual Harassment Policy and Training requirements for all employers in the state of New York. Below are the key details.

Policy: (Effective Immediately) Every employer **MUST** have a copy of their Sexual Harassment Policy in their employee's hands (as of Tuesday, October 8). If you have a policy that has been distributed to your employees please review it against the NYS requirements [here](#). If it doesn't meet those requirements you must update your current policy and distribute it to all staff or use the NYS Model Policy which you can find as a pdf or editable Word Document [here](#).

Training: You now have until **October 9, 2019** to provide all employees with Sexual Harassment Prevention Training (yearly training). You can get more details via the NYS Employer Toolkit [here](#). The state offers model training PowerPoints and Case Studies to assist in the interactive training requirements.

The state will offer both in-person and webinar training sessions to help employers understand the new requirements. A schedule of these events will also be announced in the near future online at: www.ny.gov/programs/combating-sexual-harassment-workplace, where visitors may add their name to the list to receive future updates about the state's sexual harassment prevention policy.

AGC will be working with our associate members and possibly looking to develop some webinar training for your employees.

Full details of the Guidelines can be found on the Division of Human Rights [website here](#).

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](#).

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. The database is most helpful when it is as complete as possible, so feel free to send any documents (regardless of format) to the AGC NYS office.

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 to Cathy at cnewell@agcnys.org or Bryanna at bryanna@agcnys.org.

Education News

NYS Workers' Compensation Coverage - Verification for your Subcontractors Webinar

On Tuesday, November 20 from 9:00am-10:00am, join AGC NYS Workers Compensation Group Managers GCG Risk Management ask they provide details on how to stay one step ahead of your subs when verifying their NYS Workers Compensation Coverage. The presenters will be Bill Donato Jr., and Stephanie Stopera, from GCG Risk Management, Inc. who will cover:

- Tools for Verification
- Best Search Options
- Looking for a Wrap-up Policy
- Where to look when name on COI and FEIN don't match
- Is ongoing verification necessary?
- Q & A?

Cost: \$25 for AGC NYS and BCA NY Members. [Click here to register online.](#)

FDNY Construction Update

When: Wednesday, November 7, 8:30 a.m. - 10:30 a.m.

Where: Down Town Association, 60 Pine Street, New York, N.Y.

Cost: \$85 for AGC NYS & BCA Members, \$115 for non-members

Please join us as the FDNY provides the AGC NYS & BCA membership with updates on:

- Do's and Don'ts of Temporary Heat Season
- Hot Work Permits
- FDNY Portable Fire Extinguisher Tag Program
- Q&A with FDNY staff

Speaker:

Louis Cendagorta, Chief, Fire Department City of New York

[Click here](#) for a flyer and registration form.

Looking for an Instructor to Teach the AGC Supervisory Training Program in New York City

We are looking for an industry professional (15+ years' experience, late career or retired) who would be willing to present the AGC STP Program curriculum at The General Society of Mechanics & Tradesmen of the City of New York (20 West 44th Street) one evening a week for 2-3 hours. There are a total of 6 Units in the program and each unit takes between 8 to 10 weeks to complete. [Click here](#) to learn more about the course. Last year we started jointly offering the program with the BCA NY membership and had some real success in growing the program. We are able to pay a small honorarium to teach the class. If you know of anyone who may be interested and would like to talk, please contact Brendan Manning at AGC NYS at bmanning@agcnys.org or at (518) 456-1134.

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](#).

Register for the 4-Hour DEC Erosion and Sediment Control Course at the 32nd Annual Construction Industry Conference

NYSDEC's SPDES General Permit for Stormwater Discharges from Construction Activity requires a contractor to identify the trained individual responsible for SWPPP implementation on permitted projects, and for project operators, including NYSDOT, to have sites inspected by qualified inspectors.

Trained individuals and qualified inspectors need four hours of NYSDEC-endorsed training every three years. This seminar provides the four hours of training in proper erosion and sediment control principles and an overview of the SPDES permit requirements. Course participants will receive certificates of completion to use to verify training.

Date: Tuesday, December 4, 1:00 p.m. - 5:00 p.m.

Location: Saratoga 3. Saratoga Hilton

Instructor: Nick Rowell, Warren County Soil and Water

Cost: \$85

[Click here](#) for a registration form.

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

AGC NYS and BIE Send Joint Letter Regarding Certification of "Lack of Bribery"

We recently reported to you about a certification one of our Members was being asked to provide, through his client, to Empire State Development (ESD). This certification is apparently being required by ESD on projects where they provide grant funding and it requires three items: Confirmation of Lack of Bribery; Confirmation of Lack of Collusion; and Confirmation of Fair Pricing.

Last week, AGC NYS teamed up with the BIE (Building Industry Employers of NYS) to send a letter to ESD expressing our concerns about the required certification. [Click here](#) to read a copy of the letter and stay tuned to AGC NYS future newsletters to learn of the ESD response.

ABI August 2018: End of Summer Sees Healthy Billings Rebound

Technology, Project Complexity, and Staff Training Seen as Keys to Productivity Levels at Firms

Billings at US architecture firms saw a healthy jump in August, a positive sign as firms enter what is traditionally a seasonal slowdown. The August ABI score of 54.2 (any score above 50 signifies growth) was the second highest so far for 2018, more than two points above the average of the first seven months of the year. While project inquiries were also healthy, new design contracts coming into architecture firms saw a rare—although very modest—decline. This was the first monthly decline in new work coming into firms in almost two years. [Read more here.](#)

ConsensusDocs Celebrates 11th Anniversary

AGC is excited to celebrate the ConsensusDocs Coalitions' 11th Anniversary. The coalition was formed to collaboratively develop and promote standard form construction contract templates that advance the industry. Collectively, associations participating in the ConsensusDocs Coalition represents more than 300,000 company and individual members nationally including AGC members. Recently, the coalition released two industry first documents, ConsensusDocs 305 Lean Construction Addendum and ConsensusDocs 541 Design-Assist Addendum (samples can be viewed by [clicking here](#)). The coalition also offers many complimentary resources to better the industry; including [Pre-Qualification and Bond Forms templates](#), webinar and in-person [presentations on construction contract law](#) and [a newsletter](#) with trends and information on construction law. AGC members receive a 20% discount to any ConsensusDocs subscription, [click here](#) to get the code.

Highway News

Recent Engineering Issuances Posted by NYSDOT

EB 18-036 Adoption of Standard Specifications and Standard Sheet Books - Effective January 1, 2019

Effective Date: January 1, 2019

Announces the adoption of the Standard Specifications and Standard Sheet Books dated January 1, 2019 and published on the Department's website as the official documents.

EB 18-037 Geotechnical Test Method GTM-25: Test Method for the Analysis of Topsoil

Effective Date: October 11, 2018

GTM-25 describes the method for the determination of organic content, pH, and particle size distribution for the mineral portion of topsoil items. Particle Size is determined by a combination of mechanical separation and light scattering. The method covers materials with particle sizes smaller than 4 in. (100 mm).

Fall Highway Membership Meetings Wrap Up

Thanks to everyone who joined us in Region 5 Buffalo and Region 7 Watertown last week! Between the two meetings we had over 60 members, NYSDOT, Thruway, and Canals in attendance. Special thank you to Senator Patty Ritchie's office for attending our Watertown meeting and discussing the state wide MWBE hearings that Senator Ritchie participated in as well as other industry-related issues.

Government Affairs

STATE NEWS

"VOTER VOICE" – Tell Governor Cuomo to Sign Damages for Delay Bill

The Senate and Assembly passed legislation (S.6686/A.7945-A) requiring public contracts to include damages for delay clauses. Several public agencies (NYS OGS, DOT and the MTA) have already recognized the unfairness of this restriction and have provided in their public contracts for a more equitable allowance for damages for delays resulting from public agency action. Seventeen states allow for the specific recovery of damages related to expenses incurred by the contractor for a delay for which the state governmental unit is responsible, which was unreasonable under the circumstances, and which was not within the contemplation of the parties to the contract. Many more states recognize a common law right to damages for delay. New York should not be an exception to this trend.

It is unclear whether Governor Cuomo will approve or veto the damages for delay bill. It's time for [you and your employees to act now by sending a letter in support of this critical bill to Governor Cuomo](#).

FEDERAL NEWS

President Trump Signs Bipartisan "America's Water Infrastructure Act of 2018"

President Trump signed into law the bipartisan "America's Water Infrastructure Act of 2018" which authorizes \$4.4 billion over three years for the state drinking water revolving loan fund program, aid to states and utilities with compliance and asset management, updates to antiterrorism and resilience measures at public water systems, and improves transparency for consumers about the quality of drinking water.

President Trump stated, " this bill authorizes needed funding and tools to enhance our coastal ports; reduce flood risks; restore ecosystems; upkeep our inland waterways, which are in deep, deep trouble, but they won't be for very long; upgrade our dams, hydropower, and irrigation systems; and improve drinking water treatment, storage, and delivery."

NEW YORK CITY

Council Contracts Committee Convenes Hearing on Administration's MWBE Efforts

On October 10, 2018 the Committee on Contracts, chaired by Council Member Justin Brannan held an oversight hearing on the City's Minority and Women-Owned Business Enterprises ("M/WBE") program. The Committee last held a hearing on M/WBE contracting in December of 2016. Those invited to testify include the Mayor's Office of Contract Services ("MOCS"), the Department of Small Business Services ("SBS"), the Mayor's Office of M/WBEs, Brian Cunningham representing the Building Contractors Association, and other interested parties. A video of the hearing and Mr. Cunningham's testimony are available [here](#) and [here](#).

Safety News

AGC NYS Workers Compensation Safety Group #550 Declares 35% Dividend

The AGC NYS Workers Compensation Safety Group #550 has had another successful year. The New York State Insurance Fund has approved a 35% dividend, and has also increased our advance discount to 25%. The average dividend for the group in its 25+ year history has been 28%, and never below 20% for any individual year. Due to the exceptional safety record of the group members, the dividend and advance discount are well above industry standards. The 550 group will hold its official meeting on November 1 this year. If you are looking for an attractive alternative to your WC needs, the AGC NYS Safety Group #550 is an extremely viable option. The group is managed by G.C.G. Risk Management, and is underwritten by the New York State Insurance Fund. For more information, contact Dennis Kiefer or [click here](#).



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

BLS Incidence Rate Calculator

Did you know that the national BLS website has an [incidence calculator](#)? In doing some research for a member, we came across this webpage which was actually pretty handy. A few entries will not only calculate your firm's individual rates, it will also compare it to the industry sector. AGC NYS plans to include this calculation as part of the safety awards next year. You can check out the [website and calculate your company's rates](#).

New FDNY Fire Extinguisher & Fire Hood Tag Regulation in Effect

Starting October 1, FDNY is requiring portable fire extinguisher sales and servicing companies in NYC to use FDNY-issued numbered tags as proof of compliance on all fire safety equipment that is new, in service or due for annual inspections. Only companies that meeting the NYC licensing standards are eligible to purchase the FDNY-issued decals and tags. These tags will be the only acceptable proof of the inspection, cleaning and/or servicing. Safety Supplies Unlimited (SSU) is an FDNY authorized provider to sell and service fire extinguishers, and will replace all tags for AGC NYS Members. For more information, [click here](#).



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

Around the State

Mike, Sarah and Cathy participated in the Region 5 Highway Meeting in Buffalo.

Sarah and Cathy participated in the Region 7 Highway Meeting in Watertown.

Mike joined the other leaders of the statewide business community in Newburgh at a media event in support of State Senate Tom Basile.

Mike and the AGC NYS Executive Committee met in Montauk.

Walter was at political events in Manhattan, Brooklyn, and Middletown.