

AGC NYS Newsletter

February 21, 2019

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Upcoming Events

FEBRUARY 2019

28 [NYC DOB is at my Jobsite, Now What?](#)

MARCH 2019

1-6 [AGC NYS Winter Meeting - Naples, FL](#)
5-6 [Local Roads Matter Advocacy Day](#)

Industry News

Construction Management Training and Mentoring Program Graduates 21

AGC NYS in conjunction with Eastern Contractors Association and the Association of Minority Enterprises of New York graduated 21 MWBE and Small Businesses from a 6 month Construction Management Training Program. The classes, based on a curriculum designed by Turner Construction took place at the AGC NYS offices in Albany and covered topics like Business Essentials, Estimating, Scheduling, Bonding/Insurance, Risk Management and Marketing and Business Development. Thank you to all of the firms who provided mentors: Community Loan Fund of the Capital Region, Couch White, Gilbane Building Company, LeChase Construction Services, Marshall & Sterling, Sano-Rubin Construction, The Bonadio Group, Travelers and Turner Construction. AGC hopes to kick off a second class in the fall and hopes to grow the program statewide. If your firm is interested in helping build capacity and assisting with presenting a pre-developed curriculum please contact Brendan Manning at bmanning@agcnys.org.



We'll See You at the 2019 Winter Meeting!

March 1-6, 2019 | LaPlaya Beach & Golf Resort | Naples, Fla.

AGC NYS will be hosting its annual Winter Meeting this year in Naples, Florida. Reservations are closed, and registrants should have received an informational packet via email. If you have any questions, contact Cathy Newell at cnewell@agcnys.org or (518) 456-1134.

Thank you to our sponsors!

Friday, March 1

Welcome Dinner - Rose & Kiernan
Welcome Dinner Entertainment - Donnelly Construction

Saturday, March 2

Board of Directors Breakfast - The Fort Miller Group, Inc.
Annual Reception - Milton CAT

Annual Banquet - Couch White, LLP

Annual Banquet Entertainment - Arthur J. Gallagher

Sunday, March 3

Beach Barbecue - Elderlee, Inc.

[Sports Prizes](#)

Tuesday, March 5

Closing Reception - Bothar Construction, LLC

Misc.

Daily Coffee - Strategic Insurance Partners

Destination Gift - Harrison & Burrowes Bridge Constructors Inc.

Registration Open for 2019 AGC of America Convention

Join leading contractors from across the country for the 2019 [AGC Annual Convention](#) happening April 1-4, 2019 in Denver.

The AGC Convention is where successful general and specialty contractors develop the business intelligence, industry insights and key connections to help their companies thrive.

The AGC Annual Convention features:

- 20+ breakout sessions featuring contractors talking to contractors on issues such as risk and financial management, finding and developing your workforce, safer job sites, and building faster and better.
- Cutting-edge solutions and services from more than 150 companies in the [AGC Equipment, Technology & Construction Solutions Expo](#)
- Inspirational and impactful keynote presentations from leaders of industry and innovation

Whether you are focused on building, highway and transportation, utility and infrastructure, or the federal markets, the AGC Annual Convention is the place for construction professionals and senior executives to hone their knowledge while making connections that open doors to new opportunities.

Local Roads Matter Advocacy Day 2019 - March 5 & 6

Each March, over 600 County and Town Highway Superintendents, Public Works Commissioners and Highway industry professionals converged at the New York State Capitol and Legislative Office Building in Albany, New York for the "Local Roads Matter!" Advocacy Campaign. The groups urged the Governor and state lawmakers to make the maintenance and repair of local roads and bridges a top priority in the state budget. To register or for more information, [click here](#).

Building News

Recent Spec Reviews – Pay Attention to the Liquidated Damages Comments

Besides the [Ballston Lake Sewer project](#) (reported on in the last newsletter) and a few "Sparky the Firedog" issue specific letters for Members, we have issued 3 recent spec reviews that you may find of interest. The [Kingston High School project document review](#) found some particularly egregious risk shifting clauses and issues with the liquidated damages provisions. Discussions with the CM indicate that some changes are in the works. A review of the documents for the [Milan Court Building](#) project found a situation where it seems that that architect was unaware of requirements of Article 5-A of General Municipal Law; to include Wicks Law and Payment provisions. We are hopeful that there will be modifications here. Our latest review looked at the bidding and contract documents for the [Greene County Jail Project](#). There were a number of standard issues found here but the most concerning were the issues of how they are dealing with Equivalents, a very complex bid form and, again on this project, liquidated damages.

Particularly our Members who are acting as CMAs on projects, we would encourage you to look closely at the comments on the Liquidated Damages Provisions.

New ConstructorCast Episode: How to Train Construction Supervisors

The ConstructorCast is AGC of America's monthly podcast covering all the news, views and interviews relevant to your construction business. Each month we pick a new topic and sit down with experts to go in depth on some of the most pressing subjects in the construction industry.

In this episode of AGC's ConstructorCast, learn tips every supervisor needs to be an efficient manager of people, time, equipment and materials. Also, get a sneak peek of AGC's new Construction Supervision Fundamentals training course, designed for the onboarding of new supervisors using highly interactive classroom sessions created by general contractors and often taught by general contractors. Learn how and why this program was created and how it fits together to set individuals up for a successful career in construction.

[Click here to listen.](#)

AGC of America Convention Feature - Building Division Session Presentation: Growing Your Local Workforce

The [AGC Convention](#) is the ideal opportunity to see everything AGC can do for you and your business. From the jobsite to the back-office to the halls of government, the AGC Annual Convention provides business-critical insights into the issues that commercial contractors are facing and the actionable strategies needed to deal with them. As building contractors, we would like to highlight the following session:

Building Contractors Division Session: Wednesday, April 3, 2019 | 9:00 am – 10:30 am

Join fellow building contractors at the Building Division Session on Wednesday April 3, 2019 from 9:00 – 10:30 am. This session includes a "State of the Building Division" presentation where attendees will hear the latest initiatives and successes of AGC's largest division. This session will also feature the following workforce focused presentation:

Growing Your Local Workforce

We all understand that workforce shortages have become a crisis for our industry and solutions are needed now. We also know that this national problem needs local solutions. We have heard plenty of discussion about the problem and seen many well intended campaigns supporting the effort. However, what can we actually do in our own backyard to grow a workforce of skilled workers in the trades we so desperately need?

This session will introduce you to two different local/regional programs that reach out to high school age students and older, present them with viable skilled trade training and education, and prepare them for a long and rewarding career in the construction industry.

David Little of the Gallegos Corporation and Bryan Cook of AGC Colorado have been working for five years to get trade training back into public schools in the Denver area. They will share their significant progress, including their most recent school district success story.

In a different approach, apart from partnering with existing public schools, Dr. Mike Feinberg will update you on an initiative he leads in Houston that will create a new school paradigm, focusing on training and education for the trades that can include achieving a High School diploma. Ultimately a staffing company will be created that will provide these trade school graduates with a salaried (not hourly) job with benefits. Mike is President and Co-Founder of Texas School Venture Fund, with the mission to increase the supply and diversity of great schools in communities where families need more options. Earlier in his career Dr. Feinberg co-founded KIPP Public Charter Schools and later co-founded the KIPP Foundation. Today, KIPP Schools can be found in over 30 cities from New York to California.

To register for AGC's 100th Annual Convention [click here](#).

Highway News

Keeping Your CCA-2 Questionnaire Current

The New York State Vendor Responsibility Questionnaire For-Profit Construction form, also known as the CCA-2, is required to be updated annually or if there are material changes to questionnaire responses. NYSDOT sends reminder letters to companies approximately one month before their questionnaires expire. Updates can be made on the Office of the State Comptroller's [VendRep system](#) or mailed as hard copy to:

New York State Department of Transportation
 Contract Management Bureau
 50 Wolf Road, 1st Floor, Suite 1CM
 Albany, NY 12232

If you complete your questionnaire on the VendRep system you must notify NYSDOT of updates by sending an email to VendorResponsibility@dot.ny.gov. Automatic email alerts to the DOT can be set up from the Vendor's own account. More information on the VendRep system [can be found here](#).

Save the Date - New York Road and Instructure Coalition – Capitol Hill Reception

Tuesday, April 9 | 6:00 pm - 8:00 pm | United States Capitol Building

We're looking for highway member projects to feature at the NYRIC reception! Please send any photos to Sarah Hill, shill@agcnys.org.

2019 NYS HMA Density Testing Inspector Certification Course Schedule Announced

The AGC NYS-sponsored HMA Density Testing Inspector Certification Program provides qualification of personnel performing density testing on Hot Mix Asphalt in New York State. Certification is required for testing on all NYSDOT and Thruway paving projects and is valid for five years. Technicians must attend a two-day program and successfully pass the written examination. Certificates expire after 5 years; a re-certification exam must then be taken and passed. The course and exams are administered by Alfred State College.

2019 Schedule:

TWO-DAY COURSES

- March 21 – 22, Newburgh, NY
- April 25 – 26, Wellsville, NY
- May 28 –29, Newburgh, NY

NOTE: Exam held on second day of course

For registration and payment info contact:

The Center for Community Education and Training
 Alfred State College
 10 Upper College Drive
 Alfred, NY 14802
 Fax – 607-587-3295
 Email – ccet@alfredstate.edu

You can find more information and the [registration form here](#).

Recent Engineering Issuances Posted by NYSDOT

EB 18-003 Adoption of Standard Specifications and Standard Sheet Books - Effective May 1, 2018

Effective Date: May 1, 2018

Announces the adoption of the Standard Specifications and Standard Sheet Books dated May 1, 2018 and published on the Department's website as the official documents.

Highway Membership Updates

Spring regional highway membership meetings will be scheduled soon. Watch your inbox for details on meetings in Regions 1, 2, 4, 6, 8/11 & 10.

Education News

Capital District Chapter of NAWIC to Host 4th Annual MWBE Showcase

On Tuesday, March 19, 2019, the Capital District Chapter of the National Association of Women in Construction (NAWIC) hosts its Annual WBE Showcase at The Century House in Latham, N.Y. This event provides New York State Minority and Women Business Enterprises (MWBE) an opportunity to showcase their business to local contractors and state agencies. Last year we had over 175 attendees and 30 booths.

Following Governor Cuomo's 2014 mandate to increase statewide M/WBE utilization goals to thirty percent (30%) for all state contracts, it is crucial for businesses that are at least fifty-one percent (51%) owned, operated and controlled by women or minorities to get certified and market themselves as certified businesses. The annual showcase will create an avenue for MWBE's to not only market themselves to representatives from state agencies, architects, subcontractors, owners, developers and engineers, but also give them a chance to network with other NYS MWBE's. Sign up at www.nawicnycap.org.

BIM Education Program Back in New York City

The use of Building Information Modeling will only continue to grow exponentially in the construction industry. Don't get stuck when an owner requires it on your next job and your staff can't manage the project. Beginning March 22, the AGC NYS will begin the first of four units of the AGC BIM Education Program at Pratt Institute in Manhattan. AGC's BIM Education Program — developed in conjunction with leading BIM practitioners, technology firms, and educators—is designed to prepare construction professionals at all experience levels to successfully implement BIM on a construction project. The four, full day classes are Unit 1 – An Introduction to Building Information Modeling (3rd Ed.) – March 22, Unit 2 – BIM Technology (3rd Ed.) – March 29, Unit 3 – BIM Project Execution Planning (3rd Ed.) – April 17 and Unit 4 – BIM Adoption, Implementation and ROI (3rd Ed.) – April 26. The instructor for the class will be Ayse Polat, AIA, LEED AP BD&C, CM-BIM, CDT who is the VDC Manager for Turner Construction. [Click here for a full flyer and registration](#). [Click here to register online for all 4 classes](#).

Collaborative Leadership in Design & Construction Sponsorships Available

AGC NYS and AIA NYS will be hosting panel discussion events in Syracuse (April 9), Rochester (April 10), Albany (October 16) and NYC (early November) and we are looking for a corporate sponsor to help underwrite each event and reception. Thank you to Marshall & Sterling, Inc., for sponsoring the Albany program. Please [fill out the sponsor form and return](#) to Brendan Manning AGC NYS, bmanning@agcnys.org or call (518) 456-1134.

Your sponsorship includes:

- A table and signage at each event
- An ad in the AIA quarterly publication
- 2 Event Registrations
- Branding on all promotional materials/emails/websites and additional onsite signage
- Introduction of the panelists

Our panelists will include: Two regional contractors, two regional architects and an Owner as moderator.

Program Description: Join the discussion with this panel of design and construction professionals as they explore ways to improve productivity through best practices in communication. You will learn how to revamp what you say and how you say it both in writing and in discussion and the impact this can have on the project, your employees and yes even the client. The panel will also discuss the barriers that are placed by others in the way of a cooperative and collaborative relationship and what the industry can do together to remove those impediments.

Government Affairs

STATE NEWS

Executive Order No. 192: Imposing Continuing Vendor Integrity Requirements in State Contracts

Executive Order 192 was published in the latest issue of the New York State Register, despite being signed by governor Cuomo on January 15, 2019. AGC NYS urges you to carefully read [Executive Order 192](#).

Among the provisions of Executive Order 192:

Applies to any contract, lease, grant or equivalent legal instrument from a state entity.

Vendor responsibility does not end with the contract award process, and State agencies and authorities are required to ensure that contractors, vendors, and grantees remain responsible throughout the term of the contracts and that such contractors, vendors, and grantees who are the subject of debarment or are found to be non-responsible are not able to bid on public procurements.

State Entities are directed to evaluate - utilizing the existing vendor responsibility determination process - whether bidders are responsible, based in pertinent part upon the following factors: (i) financial and organization capacity; (ii) legal authority; (iii) integrity; and (iv) past performance. Moreover, State Entities are required to determine whether a contractor, vendor, or grantee has failed to comply with any statutory provisions relating to debarment.

If a State Entity discovers information that indicates a contractor, vendor, or grantee may not be responsible, may no longer be responsible during the term of the contract, or be subject to debarment for violation of a statutory provision or provisions, the State Entity is directed, as applicable (i) to conduct an analysis, review, hearing, or investigation, which may include, but is not limited to, conducting a document review supplemented by interviews involving the questioning of the contractor, vendor, or grantee and their representatives; and (ii) to make a determination following such review, hearing or investigation.

The Office of General Services (OGS) is directed to post a list of the non-responsibility and debarment determinations on the OGS public website. Such names of debarred contractors, vendors, or grantees shall remain posted on the OGS website for the period designated in the relevant statutory provision allowing for such debarment. In all other cases, determinations shall remain on the list until OGS receives notice of a finding by a court of competent jurisdiction that the non-responsibility or debarment determination was in error or until such time as a waiver has been approved by the Counsel to the Governor, in a manner to be determined by OGS.

All State Entities and their state-approved directors must rely on the determination made by other State Entities in ascertaining the responsibility, ineligibility, or debarment of a contractor, vendor, or grantee in current and future procurements.

Any commissioner, agency or department head, or member of a board of directors of a State Entity who selects, absent an approved waiver, a contractor, vendor, or grantee, who has been deemed non- responsible, debarred, or otherwise ineligible shall be breaching their duty as a public officer and/or fiduciary duty as a board member.

AGC NYS is working with our industry and business partners to stop Executive Order 192. We will keep you apprised as additional details emerge.

Recreational Marijuana Proposal Significantly Impacts Construction Job Site and Highway Work Zone Safety

AGC NYS is opposing the Executive Budget proposal to legalize the use of recreational marijuana because, it would prohibit employers from implementing a zero tolerance drug policy. Rather than permitting a zero tolerance drug policy, the Executive Budget proposal specifically only prohibits the use of recreational marijuana during work hours. Even if marijuana use at work is prohibited, there is still residual danger from recreational use. Marijuana impairment lasts beyond the time of the subjective high and beyond the time it would be possible to prove a person is impaired by simple observation. Numerous studies have shown that the impairing cognitive and psychomotor effects of cannabis can persist days after the subjective high is gone. AGC NYS' goal is to prevent workplace injuries which, is best achieved by removing impaired or intoxicated workers before they enter a workplace. For the full memo, [click here](#).

FEDERAL NEWS

Highway Funding Increase Included in Budget Deal

President Trump signed a bipartisan budget agreement that provides FY 2019 appropriations for highway and transit infrastructure programs. Disagreement over the Department of Homeland Security (DHS) budget, including funding for southern border security, had stalled its passage and 6 other appropriation bills, leading to the longest partial government shutdown in history. Overall for FY 2019, the federal-aid highway program funding will increase by 3.7 percent to \$48.42 billion which includes an increase in funding contained in the FAST Act and an additional \$3.25 billion. While transit formula funding includes the FAST Act increase and an additional \$400 million, the FY 2019 level is just below the high level from last year.

New York State is slated to receive \$1.815 billion for highways and bridges and \$1.523 for mass transit this fiscal year. In FY 2019, New York State will receive a 2% increase in core funding for highways, bridges and mass transit.

Fiscal Year 2019 Highway and Transit Appropriations

(In Billions)	FY 2017	FY 2018	FY 2019
FAST Act – Highways (HTF)	\$43.27	\$44.23	\$45.27
Additional General Fund		\$2.53	\$3.25
Total Highways	\$43.27	\$46.76	\$48.42
FAST Act Transit Capital Grants (General Fund)	\$2.3	\$2.3	\$2.3
Additional General Fund	\$.20	\$.35	\$.31
Total Transit Capital Grants	\$2.5	\$2.65	\$2.61
Transit Formula Grants (HTF)	\$9.733	\$9.733	\$9.939
Additional General Fund		\$0.834	\$0.400
Total Transit Formula	\$9.733	\$10.567	\$10.339
Airport Improvement (AIP) Aviation TF	\$3.35	\$3.35	\$3.35
Additional General Fund		\$1.0	\$0.50
Total AIP	\$3.35	\$4.35	\$3.85
Build (TIGER) Grants – General Fund	\$0.50	\$1.50	\$0.900

NEW YORK CITY NEWS

NYC Commission on Human Rights Legal Enforcement Guidance on Race Discrimination on the Basis of Hair

The New York City Human Rights Law (NYCHRL) protects the rights of New Yorkers to maintain natural hair or hairstyles that are closely associated with their racial, ethnic, or cultural identities. For Black people, this

includes the right to maintain natural hair, treated or untreated hairstyles such as locs, cornrows, twists, braids, Bantu knots, fades, Afros, and/or the right to keep hair in an uncut or untrimmed state. The New York City Commission on Human Rights (the "Commission") affirms that grooming or appearance policies that ban, limit, or otherwise restrict natural hair or hairstyles associated with Black people generally violate the NYCHRL's anti-discrimination provisions. As a best practice, the Commission encourages employers and other covered entities to evaluate any existing grooming or appearance policies, standards, or norms relating to professionalism to ensure they are inclusive of the racial, ethnic, and cultural identities and practices associated with Black and historically marginalized communities. The Commission guidance [document is available here](#).

Safety News

Don't Forget to Post Your OSHA 300A Logs and Submit Injury and Illness Information

OSHA 300A logs must be posted from February 1st through April 30th. Employers are required to post the OSHA 300A Summary of the OSHA 300 Record of Injuries & Illnesses Recordkeeping Log for the previous year. Make sure to post the 300A log in a location that is accessible to all employees.

As a reminder, employers also have requirements related to electronic submission of injury and illness data as follows.

- Establishments with 250 or more employees in construction must submit (300A, 300, and 301) by March 2, 2019.
- Establishments with 20-249 employees in construction must submit information from their 300A form by March 2, 2019.

If you seek assistance, OSHA has a comprehensive Recordkeeping Guide which includes the OSHA 300 Log, the OSHA 300A Summary, and the OSHA 301 Log and instructions. This guide [can be accessed here](#). Make sure the log is completed properly and that the log is signed by the owner of the company.

Total Safety Consulting Releases List of Approved SST Courses

Have you completed your OSHA training? Local Law 196 (LL196) mandates completion of OSHA training by some Demolition & Construction Workers employed within the five boroughs as well as Construction Superintendents, Site Safety Managers & Coordinators, Concrete Safety Managers or Competent Person. Total Safety Consulting Training Academy is offering 4-Hour SST Elective Course as well as the 8-Hour SST Supervisor Course throughout the month of February. For more information, [click here](#).

Around the State

Mike attended the AGC Labor Chapters meeting in Hollywood, Florida. He was joined by BCA Managing Director John O'Hare.

Joe was in Gilboa and Newburgh facilitating Partnering for NYC DEP projects.

Joe attended the AMENY conference in Albany.

Joe was in NYC for a NY Building Congress Sub-Committee meeting relative to design-build, design delegation and design assist.

Joe and Walter attended the annual NYS Black and Puerto Rican Caucus Weekend.



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



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