



# AGC NYS Newsletter March 14, 2019

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## Upcoming Events

### MARCH 2019

- 19 [Region 1 Highway Meeting](#)
- 22 [BIM Education - NYC](#)
- 26 [Region 2 Highway Meeting](#)

### APRIL 2019

- 9 [Collaborative Leadership in Design and Construction - Syracuse](#)
- 10 [Collaborative Leadership in Design and Construction - Buffalo](#)
- 16-17 [8-Hour Qualified Rigger Course](#)
- 23 [Region 4 Highway Meeting](#)
- 23 [Region 6 Highway Meeting](#)
- 24 [NYS Sales Tax Requirements for the Construction Industry - Albany](#)

## Industry News

### Budget Battle Lines Drawn in Albany

In response to the Governor's 2019-20 Executive Budget proposal, the Senate and Assembly released their one-house budget resolutions. The Senate and Assembly resolutions include additions, deletions, re-estimates, and policy changes to address each appropriation, as well as programmatic language that was first advanced in the Executive Budget. As readers of the newsletter know, a final budget agreement is due on April 1, 2019. Upon adoption of the final budget agreement, AGC NYS will send a detailed summary of appropriations and programmatic language.

#### Issues of Interest:

**Public Work Defined:** The Senate and Assembly add a new part to establish a definition of "public work" as it relates to construction projects paid for in full or in part with public funds. This proposal mirrors legislation ([S.1947/A.1261](#)) [opposed by AGC NYS](#). AGC NYS and our legislative partners are lobbying lawmakers about the problems with this proposal and are seeking a sensible definition of public work.

**M/WBE:** The Senate advanced a proposal to reauthorize the MWBE program with significant changes to the Executive Budget proposal. The Assembly omitted reauthorizing the MWBE program in the budget but is committed to its renewal and improvement. AGC NYS and our partners have [developed an alternative proposal](#) that makes important improvements and reforms to this program and ensures its compliance with constitutional safeguards.

**Design-Build/CM at Risk:** The Senate includes design-build and other alternative project delivery methods for the State and City of New York. However, it includes mandated project labor agreements. The Assembly did not include design-build and CM at Risk procurement in their budget language. [AGC NYS supports the reauthorization of design-build and CM at Risk](#) but remains steadfastly opposed to mandatory PLAs.

**MTA Reforms and Congestion Pricing:** The Senate and Assembly rejected the Executive Budget proposal. AGC NYS expects a negotiated congestion

pricing program in the final budget agreement.

**Recreational Marijuana:** The Senate and Assembly rejected the Executive Budget. An agreement will likely be reached on recreational marijuana.

### ***Jeffrey J. Zogg Build NY Awards and AIA NYS Excelsior Awards event set – Sponsorships Open***

The Jeffrey J. Zogg Build NY Awards and AIA NYS Excelsior Awards Event has been set for Tuesday, May 7 at the Renaissance Hotel in Albany, NY. We are currently looking for sponsors to help underwrite this joint industry event which features over 150 attendees from the design and construction industry honoring New York's top construction projects. There are multiple sponsorship packages from \$500-\$1500 that include registrations, signage and logo placement in advertisements. [Please consider sponsoring here.](#) Deadline is April 12. Registration for the event will be out soon.



### ***2019 Winter Meeting Review***

It was a nice break to get away from the cold NY weather and head to Naples, FL for this year's Winter Meeting. Our Boards of Governors and the Board of Directors all elected new offices and filled various positions. Jim O'Brien, Jr. of Bothar Construction was elected Chairman to the Board of Directors, Carrie Speshock of Donnelly Construction, Inc. for the Chairwoman of the Highway Board of Governors and Carl Stewart of Turner Construction Company for the Chairman of the Building Board of Governors. The Board meetings and all of the meetings at this event were well attended. Saturday evening we all enjoyed the Annual Banquet and the speeches by the incoming and outgoing chairpersons brought a lot of humor to the event.

The Annual Beach Barbeque was held on a beautiful but hot afternoon. Three teams competed for the coveted Volleyball Championship and the victory goes to the team from Bothar Construction, LLC, Jay O'Brien, Suzanne O'Brien, Mike Sheridan, Brandon Davis, Nicole Davis, Gary Kane and Brendan Manning. There were several teams in the Bocce Tournament but the victory goes to Peg and Paul Sweeney of Economy Paving and in second place was Jeff and Cathy Hanlon of Slate Hill Constructors. The Sandcastle winners were Ava & Adelyn Davis along with some beach friends from Bothar and Jacob Alexander, David, Christopher and Victoria Santos from D.A. Collins Construction.

The committee meetings held were well attended and had good dialogue on a variety of topics. It is a great opportunity to gain some one-on-one time with the people you do business with.

### ***Once again we wish to thank our generous sponsors who supported this event:***

Welcome Dinner - Rose & Kiernan, Inc.  
 Welcome Dinner Entertainment - Donnelly Construction, Inc.  
 Board of Directors Breakfast - The Fort Miller Group, Inc.  
 Annual Reception - Milton CAT  
 Annual Banquet - Couch White, LLP  
 Annual Banquet Entertainment - Arthur J. Gallagher  
 Annual Banquet Head Table Wine – E.W. Howell Co., LLC  
 Couples Photos provided by - Milton CAT  
 Beach Barbecue - Elderlee, Inc.  
 Closing Reception - Bothar Construction, LLC  
 Daily Coffee – Strategic Insurance Partners  
 RFID Passport Cover -Harrison & Burrowes Bridge Constructors, Inc.

Hope you can join us next year in Grand Cayman January 17-22, 2020.

### ***AGC NYS Vice President for Transportation Services Sarah Hill Named to Albany Business Review's 40 Under 40***

AGC NYS Vice President for Transportation Services and recently-minted P.E., Sarah Hill was recognized on the Albany Business Review's 40 Under 40 list. The Albany Business Review recognizes 40 leaders under the age of 40 who demonstrate business acumen, leadership skills and community involvement.

### ***Total Safety Consulting's George Hauck Featured in New York Real Estate Journal***

George Hauck, Supervisor of Health and Medical Services at Total Safety Consulting (TSC) was the subject of the New York Real Estate Journal's Executive of the Month for March. [Read the full article here.](#)

### ***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](http://www.nawicnycap.org).

## ***Building News***

### ***AGC NYS New York City Committee In Formation***

Given the number of Members and the activity in the New York City Metro Area, AGC NYS is re-establishing it's NYC Committee. The Committee will be dealing with matters related to NYC DOB and AIA (in concert with the NYC Safety Committee), NYC Construction agencies, NYC Council, programs and seminars. In our first meetings slated for April 17th, we will be discussing – among other things – the issue of superintendent liability. Please let Joe Hogan – [jhogan@agcnys.org](mailto:jhogan@agcnys.org) – know of your interest in becoming a member of this committee.

### ***AGC and AIA NYS Kicking off Collaborative Leadership Programs April 9 in Syracuse & April 10 in Rochester. Register Today!***

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.

The first session will be **April 9 in Syracuse, NY** at the offices of King & King Architects and is sponsored by Dannible and McKee and will feature panelists: Marc Macro, LeChase Construction Services, Andy Breuer, Hueber-Breuer Construction, Kirk Narburgh, AIA, King & King Architects, Julia Hafftko-Marshall, AIA, Holmes King, Kallquist & Associates Architects and an owner/moderator from Syracuse University.

The second session, **April 10 in Rochester, NY** is at the RIT Inn and Conference Center and is sponsored by Ernstrom and Drete and will feature panelists: Matt Squires, Manning Squires Hennig, Gary Bichler, R&P Oak Hill, Allen Rosignol, AIA, Edge Architecture, Bob Stark, AIA, CJS Architects and owner/moderator Kelly Hayes-McAlonie, University at Buffalo.

Each session is \$30 and includes a reception with appetizers. [Click here](#) to register online for Syracuse. [Click here](#) to register online for Rochester.

### ***AGC NYS Winter and Summer Meetings – We Need Your Input***

Late last week, Joe Hogan sent out an e-mail asking for your input about how to tailor our summer and winter conferences to meet your needs and, hopefully, improve attendance. As we plan for the upcoming Summer Meeting – August 1-4 at the Sagamore Resort on Lake George – and the next Annual/Winter Meeting – January 17-22 at the Westin Seven Mile Beach Resort, Grand Cayman – your perspective about the type of event and programs you would like to see would be appreciated. If you haven't done so already, please [click here](#) and complete the very short survey.

## ***Highway News***

### ***Spring Regional Highway Meetings***

#### **Region 1 – Albany**

Tuesday March 19 4:30pm Business Meeting – Reception 5:30pm  
Reception Included  
Hilton Garden Inn, Airport, Albany Shaker Road

#### **Region 2 – Utica**

Tuesday March 26 12:00 – 2:30pm  
Lunch Included  
Yahnundasis Golf Club, New Hartford

#### **Region 6 – Hornell**

Tuesday April 23- 12:00 – 2:30pm  
Lunch Included  
Brae Burn GC, Dansville

#### **Region 4 – Rochester**

Tuesday April 23 - 4:30pm Business Meeting, Reception 5:30pm  
Reception Included  
Woodcliff Lodge, Fairport

#### **Region 8 & 11 – Hudson Valley/NYC**

May 21, 2019 - 11:30 am, Lunch included  
Sam's of Gedney Way  
White Plains, NY 10605

#### **Region 10 – Long Island**

Wednesday May 22 8:00am-10:00am  
Breakfast Included  
Hyatt Regency Long Island, Hauppauge

### ***2018 HVCC Concrete Technical Conference - March 20, 2019***

**HVCC - Bulmer Technology Building.** Travel directions and a map to Telecommunications Center are [available here](#).

**Registration Fee is \$70.00 Exhibit Fee \$100.00 PDH Credit Hours \$100.00**

To receive completion upon attendance of this program and receipt of the 4.5 PDH credit hours, please [download and complete the registration form](#), indicating where you would like the certificate sent and include your payment of \$100.00 made payable to New York Construction Materials Association (\$25.00/credit hour). This amount does not include the program registration fee. We must have your P.E. Number before sending your certificate of completion.

### **2018 HVCC Asphalt Technical Conference - March 21, 2019**

**HVCC - Bulmer Technology Building.** Travel directions and a map to Telecommunications Center are [available here](#).

**Registration Fee is \$70.00 Exhibit Fee \$100.00 PDH Credit Hours \$100.00**

To receive completion upon attendance of this program and receipt of the 4.5 PDH credit hours, please [download and complete the registration form](#), indicating where you would like the certificate sent and include your payment of \$100.00 made payable to New York Construction Materials Association (\$25.00/credit hour). This amount does not include the program registration fee. We must have your P.E. Number before sending your certificate of completion.

### **Route 32 Mohawk River Bridge named Project of the Year and ACEC Engineering Excellence Award Recipient!**

The American Public Works Association of NYS - Capitol Branch awarded Route 32 Bridge as their 2018 Project of the Year for NYSDOT Region 1. This project also received a Silver Award in the category of Structural Systems for ACEC New York 2019 Engineering Excellence Awards Competition. Congratulations to the project team led by AGC member D.A. Collins Construction Co., Inc. and designed by AGC Member CHA Consulting, Inc. Other key members on this projects included Donnelly Construction Inc., Stilisling Electric, Straight Line Industries, A&K Slip Forming Inc., Binghamton Precast and Bonded Concrete.



### **Save the Date - New York Road and Infrastructure 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](mailto: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](mailto:ccet@alfredstate.edu)

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

### **Recent Engineering Issuances Posted by NYSDOT**

#### **EB 19-010 Adoption of Standard Specifications and Standard Sheet Books - Effective May 1, 2019**

*Effective Date: 05/01/2019*

Announces the adoption of the Standard Specifications and Standard Sheet Books dated May 1, 2019 and published on the Department's website as the official documents \*Multi-volume set on website.

#### **EI 19-006 Design Guidance on Selection of Impact Attenuators and New Special Specification for Reusable Attenuators**

*Effective Date: 05/01/2019*

Issues revised guidance on the use of attenuators, issues a new PIN-only Special Specification for MASH-Compliant Reusable Impact Attenuators, and announces the removal of the attenuators that have not passed the MASH crash test criteria from the Department's Approved Lists.

#### **EI 19-005 Rescission of Optional Standard Specification and Approved List for Reusable Impact Attenuator**

*Effective Date: 05/01/2019*

Announces the rescission of the standard specification for Reusable Attenuators and the removal of the Approved List for Reusable Attenuators from the Department's web site.

#### **EB 19-011 Revisions to the Construction Inspection Manual (CIM), MURK Part 1B - Section 571, Disposal of Paint Removal Waste**

*Effective Date: 02/19/2019*

The new Construction Inspection Manual (CIM), Manual for Uniform Record Keeping (MURK) Part 1B – Section 571 creates new guidance for construction inspection staff related to onsite management, transport, and disposal of hazardous and non-hazardous paint waste from bridge rehabilitation, demolition and painting work.

#### **EB 19-010 Adoption of Standard Specifications and Standard Sheet Books - Effective May 1, 2019**

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#### **EB 19-013 Fuel, Asphalt & Steel Price Adjustments (March 2019)**

*Effective Date: 03/01/2019*

Provides information to be used in computation of progress and final payments for the fuel, asphalt, and steel price adjustment pay items.

#### **EB 19-012 Replacement Bridge Detail Sheets - Overhead Sign Structures (BD-OS)**

*Effective Date: 02/25/2019*

This EB replaces the existing NYSDOT Bridge Detail Sheets BD-OS1E through BD-OS14E. The replacement BDs contain updates and corrections to existing details. A description of the changes can be found in the EB.

## **Government Affairs**

### **STATE NEWS**

#### ***Budget Battle Lines Drawn in Albany***

In response to the Governor's 2019-20 Executive Budget proposal, the Senate and Assembly released their one-house budget resolutions. The Senate and Assembly resolutions include additions, deletions, re-estimates, and policy changes to address each appropriation, as well as programmatic language that was first advanced in the Executive Budget. As readers of the newsletter know, a final budget agreement is due on April 1, 2019. Upon adoption of the final budget agreement, AGC NYS will send a detailed summary of appropriations and programmatic language.

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**Design-Build/CM at Risk:** The Senate includes design-build and other alternative project delivery methods for the State and City of New York. However, it includes mandated project labor agreements. The Assembly did not include design-build and CM at Risk procurement in their budget language. [AGC NYS supports the reauthorization of design-build and CM at Risk](#) but remains steadfastly opposed to mandatory PLAs.

**MTA Reforms and Congestion Pricing:** The Senate and Assembly rejected the Executive Budget proposal. AGC NYS expects a negotiated congestion pricing program in the final budget agreement.

**Recreational Marijuana:** The Senate and Assembly rejected the Executive Budget. An agreement will likely be reached on recreational marijuana.

### **FEDERAL NEWS**

#### ***President Trump Releases Federal Budget Proposal***

The President's Fiscal Year (FY) 2020 Budget request continues to reflect his support for investing in and improving our Nation's transportation infrastructure. To address this important priority, the President is requesting \$84 billion to fund the programs within the Department of Transportation. This funding will enable the work of the Department to continue at a steady pace, and will provide the resources needed to address the emerging technologies that will transform transportation in the future.

About 75 percent of the resources requested for Transportation come from mandatory funding provided in authorization bills. The President's request continues the authorized funding levels for the Highway Trust Fund consistent with the fifth and final year of the Fixing America's Surface Transportation (FAST) Act (\$58.7 billion). Similarly, the President's request also funds the fully authorized level for the Federal Aviation Administration's (FAA) Airport Improvement Program funded by the Airport and Airway Trust Fund (\$3.35 billion). The remaining 25 percent of the President's request supports Transportation programs that are funded through discretionary general fund appropriations and represents \$21.4 billion. [View the DOT budget briefing book here.](#)

It is likely that this budget will be treated like most other administration budget proposals—a messaging document that will guide many of the comments and reactions to the President’s agenda, but have little direct impact on the decisions appropriators make.

### ***TCC Fly-In - May 14-15 - Highway Trust Fund Shortfall, FAST Act, Infrastructure Legislation***

With FAST Act expiring on September 30, 2020, the Highway Trust Fund facing significant revenue shortfall and a major infrastructure funding package being considered – this is the year to come to Washington and participate in the 2019 Transportation Construction Coalition (TCC) Fly-In to advocate for the construction industry’s agenda. Registration is now open for the 2019 TCC Fly-In, May 14-15, at the Grand Hyatt Hotel in Washington, DC.

## ***NEW YORK CITY NEWS***

### ***City Council Speaker Corey Johnson Supports Scaffold Law Reform***

City Council Speaker Corey Johnson, a leading ‘progressive voice’ in New York, released a plan to help fix the Metropolitan Transportation Authority which includes [reforming the Scaffold Law \(pg. 51\)](#). While the City Council is not the legislative body we need to reform the Scaffold Law, Speaker Johnson is one of the highest profile progressive voices to lend his support for this issue, so we are thrilled to have his support.

## ***Safety News***

### ***AGC NYS New York City Committee In Formation***

Given the number of Members and the activity in the New York City Metro Area, AGC NYS is re-establishing it’s NYC Committee. The Committee will be dealing with matters related to NYC DOB (in concert with the NYC Safety Committee), NYC Construction agencies, NYC Council, programs and seminars. In our first meetings slated for April 17th, we will be discussing – among other things – the issue of superintendent liability. Please let Joe Hogan – [jhogan@agcnys.org](mailto:jhogan@agcnys.org) – know of your interest in becoming a member of this committee.

### ***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.

## ***Around the State***

AGC NYS staff attended the Winter Meeting in Naples, Florida.

Mike, Walter and Joe were at the State Capitol lobbying lawmakers on the New York State Budget.