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Summer 2014

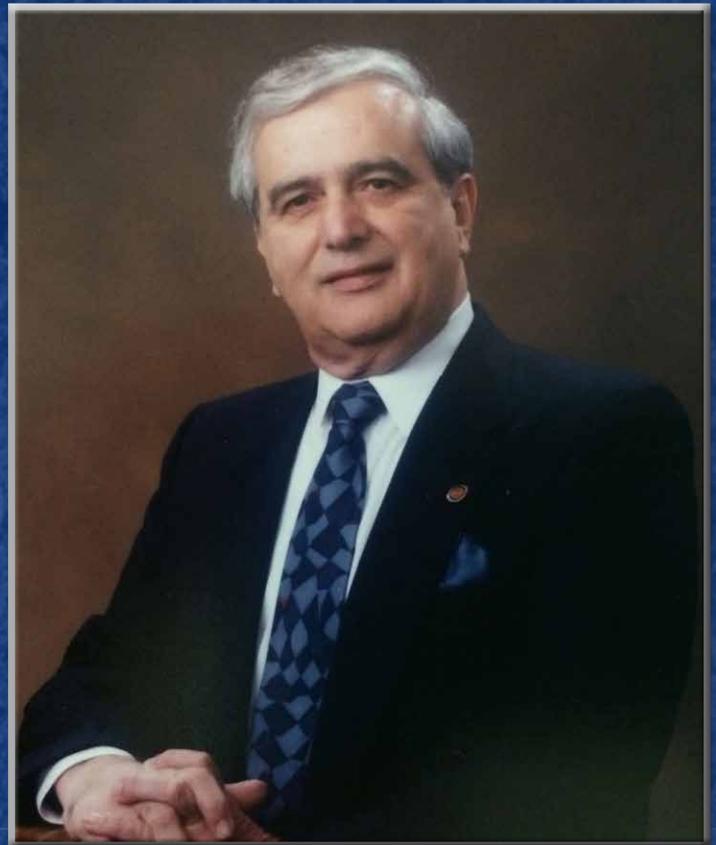


JOSEPH "BUD" GIGLIOTTI PRESENTED AGC SIR AWARD AT SUMMER MEETING

AGC NYS
Congratulates

S.I.R
Joseph "Bud"
Gigliotti

See Page 36 & 37



Also inside:

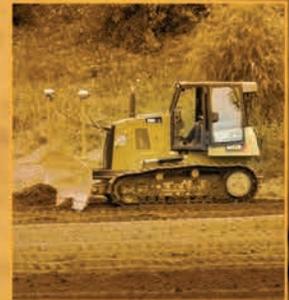
**Legislative
Wrap-Up**

page 42 & 43



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The AGC NYS is always looking for good action photos of those in the building and construction industry. Please provide full identification of all individuals in the photograph. The next deadline for submissions is ????????. Please e-mail your photo to: mjamison@agcnys.org.

NEWS ONLINE ... The Cornerstone current and past issues can be accessed online at <http://www.agcnys.org>.

5 Chairman's Message
Vincent Iannelli

7 President's Message
Mike Elmendorf

12 AGC Members
Fighting for Federal
Highway and Bridge
Funding
Walter Pacholczak

14 Intrusion of Labor
Matters into Contract
Documents
Joe Hogan

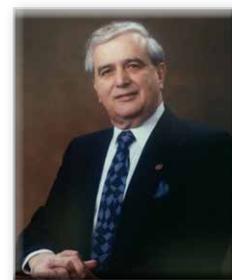
24 Engineering Matters
Karen Morrison

40 A Letter From
Senator Robach
Senator Joe Robach

44 The AGC Alternative:
A New Way To Save
Money on Health
Care Costs
Stephen E. Sandherr

60 AGC NYS
Golf Scholarship
Committee Awards
Brendan Manning

8
We Go Where You Go
Michael Jamison



36
Joseph "Buddy" Gigliotti
A True S.I.R Indeed
Michael Jamison

42
**2014 New York State
Legislative Summary**
Walter Pacholczak



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VINCENT IANNELLI

Chairman of AGC NYS



Shortly after my election earlier this year, I laid out a vision and list of priorities as Chairman of AGC NYS. At the top of the list was ensuring that AGC NYS remains the leading Construction Industry Association in New York State. AGC NYS has never been afraid to take the lead on important industry issues, and I am proud to say that so far throughout my term that has remained true. Our staff has worked tirelessly to ensure that the construction industry has a strong voice in both Albany and Washington, D.C.; while also continuing to provide the most advanced training and education for our members and their employees to keep businesses moving forward.

As we move into the second half of the year, please continue to monitor AGC NYS' events calendar for information on various webinars and course offerings. In addition, if you have any ideas or suggestions for different courses or topics please contact Brendan Manning at 518-456-1134. Please also keep in mind that the Construction Industry Conference in Saratoga Springs will be held December 9-11 this year.

In addition to our strong advocacy and education programs, our annual golf scholarship tournament at Turning Stone was very successful and, combined with the Paul B. Richards scholarship fund, allowed

us to give away more than \$75,000 to deserving students. These scholarships will ease the financial burden of a quality college education on the future leaders of our industry--and motivate them to continue on a path to success.

I also want to take a moment and congratulate my dear friend and former Chairman of AGC NYS, Buddy Gigliotti, on receiving the "S.I.R Award," AGC's highest honor. As anyone in our industry can attest, Buddy is a true class act and has worked tirelessly to help make our Association what it is today. He joins the ranks of our industry and association's true greats—including his dear friend, Marty Galasso, Sr. I am proud that AGC NYS has recognized Buddy's many contributions to the construction industry and AGC over the years.

Moving forward, for the balance of the year I look forward to continuing to travel around the state to attend AGC events and visit with our members. While it is a long way from Brooklyn to Buffalo (I know—I just made that trip along with Watertown and Plattsburgh!), there is no better way for me to understand how our association is doing for our members and how our industry is faring than to see it firsthand I hope to see you on my next trip or at our next meeting. 

Vincent Iannelli



Vince presenting Tina Schneider of Purcell Construction with a plaque for her dedication to AGC NYS during a recent meeting in Watertown



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MESSAGE FROM MIKE ELMENDORF

President and CEO of AGC NYS

With many important issues and challenges facing our industry, the first half of 2014 has been busy at AGC NYS. From continuing to lead the fight to reform the Scaffold Law, to fighting for critical infrastructure investment, to encouraging smart commonsense policies which advance our members' interests and a strong economy, we are battling on many fronts.

While Scaffold Reform was not achieved during this Legislative Session, there can be no doubt that our effort has had a real impact. Never before has there been the level of discussion we are seeing in all corners of the state on this issue, and our already broad coalition has grown to include such diverse interests as civil rights leaders and disaster relief organizations. Simply put—the fight to reform Scaffold Law is stronger than ever and together we will win. Despite the challenge of election year politics, I am confident that reform will be achieved within the next 12 months.

AGC NYS is also leading the fight for increased levels of infrastructure investment, a battle being waged both in Albany and in the nation's capital. Our infrastructure is in crisis, and the next six to eight months are critical times. Action is needed by Congress in the near-term to address the looming insolvency of the federal Highway Trust Fund and provide the resources and predictability that New York needs to adopt a fully-funding multi-year capital program, which will happen in next year's state budget.

Roads and bridges receive the lion's share of attention when needs are being discussed, because they often present the most glaring examples to the public of the results of decades of under-investment. However, make no mistake about it—all of our infrastructure is in need, from our environmental and building infrastructure, to our transportation and energy infrastructure. AGC NYS is leading the charge to make that case to our elected officials in Albany and Washington, and we are partnering with not just other industry groups, but labor and the broader business community to drive home how important investing in and improving our infrastructure is not only to our industry, but to our communities and the broader economy.

I also want to take a moment to congratulate Buddy Gigliotti on being named a recipient of AGC's prestigious "S.I.R Award." This is AGC's highest honor, and in Buddy's case, it is certainly a fitting honor. I recall well meeting Buddy early on in my tenure at AGC, and he has been a great mentor and friend ever since. I have learned something each time I have enjoyed the pleasure of his company—and I have always had a few laughs, too. He is truly one of those great leaders who have had a lasting impact on our industry, AGC and many of our members and current leaders. Congratulations, my friend!



Mike Elmendorf

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We Go Where You Go

Introducing AGS NYS's New Mobile App

By: *Michael Jamison*



In an effort to consistently upgrade our communications with members and ensure that they have up-to-the-minute information, AGC NYS is proud to officially launch its new mobile “app” for both Android and iOS phones. The app “AGC NYS” is free to download and available to the general public; but also contains a members’ login which allows users to access important members-only information.

On the release of the app, AGC NYS President and CEO Mike Elmendorf said, “Not only will our new, state-of-the-art mobile app allow users to access important information anywhere, but it will also allow our members and perspective members to interact with AGC NYS in a more personal way. There is no question that this app will advance and strengthen our membership communications for years to come.”

Features of the new AGC NYS app include:

- Instant access to the most recent AGC Connection (Newsletter);
- Instant access to up-to-date letting results;
- An interactive AGC NYS calendar which will allow you to register for upcoming events from anywhere;
- Searchable access to the entire AGC NYS Membership Directory (Members Only); and
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Emerging Technology: A New Tool for 3D Layout & BIM Integration

The construction industry is constantly looking at emerging technology solutions to cut costs, eliminate rework and better utilize design data. The adoption of GNSS-based 3D grade control and layout technology, for example, is considered to be one of the most significant trends in the civil construction industry in the last decade.

Another important construction technology advancement, BIM modeling, is increasingly being implemented on projects. This can be attributed to the need for engineers and other designers to integrate project data and better convey their intended design. In addition, the efficiencies and value BIM technology offers is becoming better understood by the full group of project stakeholders. The growth of mobile technology such as smart phones and tablet computers is also a contributing factor to the growth of BIM implementation.

Meanwhile, in the vertical construction space, the construction trades more frequently use optical survey instruments such as conventional and robotic total stations for interior and exterior project layout tasks. However, the complexity of typical survey equipment and software is hindering widespread implementation of 3D layout technology.

To address the needs of both interior contractors and BIM projects, some manufacturers, including Topcon Positioning Systems, are developing new hardware and software solutions. Topcon's contribution, the LN-100 Layout Navigator is the world's first 3D positioning system designed specifically for vertical construction layout and BIM integration. The LN-100 can be utilized for building infrastructure, electrical, plumbing, foundation and footings, walls, ceilings, HVAC, underground utilities or basic landscaping on any job site.

Topcon's LN-100 Layout Navigator combines BIM integration with simplified operation and strips away the intimidation factor usually associated with use of advanced survey instruments. All that's required to begin operation is to place the LN-100 anywhere on a project site – on a tripod, column or even on the ground – and press one button. Much like a rotating laser, the unit self-levels and the operator simply turns on the wireless tablet controller and performs a quick setup routine before getting to work. To layout interior points and building infrastructure, the operator then calls up point files or CAD drawings. Using the controller's color touch-screen the operator then displays the design point or line that needs to be staked-out, and the LN-100's visible beam laser immediately points to the exact location on the site. The LN-100 can also lock onto a prism and guide an operator to the next design point. Its operating range allows it to cover a 200 meter (650 feet) diameter area.

The LN-100 ensures a seamless flow of project data from the design to the field. Digital collaboration is simplified through the field and office software that is specifically designed to meet the needs of BIM workflows.

In addition, the Topcon family of office software and controller solutions integrates with a wide range of Autodesk BIM software and services.

The value of advanced 3D jobsite positioning and BIM technology has been well-documented and there is a growing demand for the cost-savings and efficiencies these solutions offer. Look for manufacturers to continue development of easy-to-use products such as the Topcon LN-100 Layout Navigator that will permit more contractors to collect and share data, participate in valuable BIM processes and perform building layout in a 3D space.



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AGC NYS MEMBERS FIGHTING FOR FEDERAL HIGHWAY AND BRIDGE FUNDING

TCC Fly-In Brings 400 Contractors to D.C. to Support Highway Bill

On June 10-11, AGC NYS members John Cooney (Tilcon NY), Pat DiLucia (Dolomite), Jeff DiStefano (Harrison & Burrowes), Vanessa Etherington (Harrison & Burrowes), Don Fane (Callanan), Seth Green (Barrett Paving), Martha Gross (Arup), Mike Mastropietro (Callanan), Jim McGee (Dolomite), Scot Owens (Barrett Paving), Gregg Pacchiana (Thalle Industries), Paul Taphorn (Tilcon NY) and others, joined nearly 400 contractors, at the 2014 Transportation Construction Coalition (TCC) Fly-In to deliver the message to Congress that without a fix to the Highway Trust Fund in the next several weeks, transportation construction throughout the country will be significantly slowed. Participants also pressed their Representatives to reauthorize and fully fund the reauthorization of MAP-21 before its expiration on Sept. 30, 2014.

U.S. Department of Transportation Secretary Anthony Foxx and key congressional leaders addressed participants prior to their meetings with their representatives and senators. Secretary Foxx shared highlights of the administration's reauthorization bill, the GROW America Act, while Congressman Earl Blumenauer (D-Ore.) rallied the crowd with his declarative support of increasing the gas tax to pay for the next highway bill. Attendees also heard from House Transportation & Infrastructure Committee Chairman Bill Shuster (R-Pa.) and Senate Environment & Public Works Committee Ranking Member David Vitter (R-La.). Chairman Shuster and Senator Vitter provided updates on the reauthorization of MAP-21 and the importance of avoiding any disruption in the Highway Trust Fund this summer. 



TCC Fly-In 2014

Pictured Left: Gregg Pacchiana (Thalle Industries), Scot Owens (Barrett Paving) and Jeff DiStefano (Harrison & Burrowes).

Pictured Right: Martha Gross (Arup), Jeff DiStefano (Harrison & Burrowes) and Mike Elmendorf (AGCNYS)



TCC Fly-In 2014

Walter Pacholczak (AGCNYS), Mike Elmendorf (AGCNYS), Vanessa Etherington (Harrison & Burrowes), Congressman Chris Gibson, Don Fane (Callanan), Jeff DiStefano (Harrison & Burrowes), Jim McGee (Dolomite), Mike Mastropietro (Callanan) and Paul Taphorn (Tilcon NY).



TCC Fly-In 2014

Walter Pacholczak (AGCNYS), Jim McGee (Dolomite), Don Fane (Callanan), Mike Mastropietro (Callanan), Vanessa Etherington (Harrison & Burrowes), Jeff DiStefano (Harrison & Burrowes), Congressman Chris Collins, Pat Dilucia (Dolomite) and Mike Elmendorf (AGCNYS).

TCC Fly-In 2014

Jim McGee (Dolomite), Pat Dilucia (Dolomite), Seth Green (Barrett Paving), Scot Owens (Barrett Paving), Congressman Richard Hanna, Jeff DiStefano (Harrison & Burrowes), Vanessa Etherington (Harrison & Burrowes), Don Fane (Callanan) and Mike Elmendorf (AGCNYS)





The Intrusion of Labor Matters into Contract Documents

By: Joe Hogan, VP of Building Services

Several years ago I received a frantic call from the VP of Facilities at a private university. This gentleman had previously worked for one of our Members and knew where to find me. It seemed that there were pickets on the campus regarding a construction project where there was one non-union subcontractor. The worst part, he said, was that the picketers “had brought the rat.” This, of course, was the giant inflatable rat intended to make contractors and, particularly, owners uncomfortable. While the rat didn’t bother him, the President of the University was pressing him to get rid of the rat. He was calling for advice. We discussed several options which included getting the pickets and the rat off what may have been considered private property. In the end, we decided on what would be a very effective strategy.

I first suggested that the University encourage and support the contractor in the exercise of all it’s rights under the National Labor Relations Act which included the setting and maintenance of separate gates. The second part of the plan was to put notice out on the campus internet that they were conducting a photo contest. Best photo with the rat would receive a \$100 gift certificate at the campus bookstore. The students lined up. Seeing that the desired effect of the pickets and rat was not being obtained, the pickets quickly went away.

With clauses that require such things as “labor peace” or “labor harmony” owners and specification writers often seek to circumscribe the rights of the contractor for relief from unfair labor practices. The client would be well served were it to permit and encourage utilization of the terms and conditions of the Federal labor law by contractors in their efforts to settle labor disputes. Expediency and compromise typically lead not only to excess cost but also to inordinate delay in advancing the work of the project. Labor disputes are rarely resolved through reference to the terms of contract manuals.

Private owners, of course, have the absolute right to determine whether they wish to restrict based upon labor relations posture. That decision may be based on philosophy, past history, or on the compatibility with plant workforce. It should be understood that we have seen such restriction not only on the use of non-union labor but also on the use of union labor. It should be clearly understood, however, that restriction either way will hinder

competition to the degree that costs will increase. As an example, a general contractor may ultimately decide to perform a project with all union forces but the restriction by specification or rule on entertaining non-union prices may lead to a higher cost than otherwise available.

As to public work, political subdivisions moved to frequently attempt to provide for rule, regulation and contract clause to render bidders non-responsible based upon their labor relations do so in violation of the rule of law. Examples of such might be so-called “labor peace” or “labor harmony” clauses, or requirements for health and welfare, and pension programs. Citing Section 103, General Municipal Law, the courts have found disqualification based on such requirements to be extra-legal. Likewise, the courts have found that the mere presence of such clauses tends to stifle competition and, therefore, violate the law. NOTE: I wrote about all the issues surrounding Apprenticeship Mandates in the Fall 2011 Edition.

On the subject of “labor peace” or “labor harmony” clauses,

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I have oft wondered who would be considered responsible for labor strife — the contractor whose employees continue to work, the contractor whose employees refuse to work, or the system which creates separate prime contractors working on the same site?

The issue of project labor agreements has received much attention. Most of the news on this subject has been concentrated in the public sector. Nonetheless, controversy on this subject swirls around both public and private work. From competitive bidding to the NLRA to ERISA, questions abound as to the propriety of such agreements. Those that have been found legal have been carefully crafted around specific circumstances and we encourage that competent counsel knowledgeable in such matters be consulted before proceeding.

As with the comments above, project labor agreements tend to restrict competition. They can also have a destabilizing impact on construction labor relations in the area such that the long term market impact on signatory contractors may become less and less competitive in the open marketplace. Some who have been through such agreements have found difficulties, for example, in the area of safety jurisdictional matters.

AGC NYS is not opposed to all project labor agreements as long as they are well crafted such that true savings, economies and efficiencies are realized without destabilizing the market. AGC NYS is opposed, however, to public mandated PLA's in that they will be unable to meet that test. In fact, any time a project labor agreement is pre-ordained/mandated by public and private owner alike, the odds that the PLA will be well crafted such that true savings, economies and efficiencies are realized are slim to none. In fact, depending on a variety of market factors, it is likely that the owner – and in the case of public work, the taxpayer – may pay significantly more for the project. In what may be considered irony, the market areas where a project is most likely to achieve real and significant savings in the labor agreements are the areas where organized labor is less likely to be interested in a PLA. Conversely, the market areas where little savings could be found in the agreements are

the areas where the greatest pressure is found to engage in the agreements and where the greatest negative impact will be found on competition.

If an owner – private or public – feels that it must intrude on the construction marketplace related specifically to labor matters, they should do so with great care and a full understanding that it may not achieve the intended results. A full and objective look at the short and long term impacts to competition, working relationships and the ability of the contractor to manage the project should be undertaken.



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Payment Card Industry Data Security Standard Compliance

By: Carla Plankenhorn, VP of Finance

If in the course of your business dealings you accept credit/debit cards, you are required to become Payment Card Industry Data Security Standard (PCI DSS) compliant. The PCI-DSS is a set of security guidelines formed by the five major card brands (Visa, MasterCard, American Express, Discover and Japan Card) to reduce credit card fraud and security breaches.

It is important to note that the PCI DSS is a requirement regardless of your size. If you store, process or transmit any of the information on a debit or credit card then you must abide by the PCI DSS or face significant fines, higher operating costs through increased compliance requirements, and potential suspension or expulsion from card processing networks. While merchants processing less than 20k transactions a year are generally not required to seek compliance validation, the obligation for PCI compliance is still there; as are the consequences if the data you store or process is compromised. Not storing credit card data does eliminate some compliance requirements but the majority of the controls dictated by the DSS remain in effect. The only way to avoid PCI compliance is to transfer the risk entirely to someone else; such as PayPal's Website Payments Standard service where customers interact with the PayPal software directly and credit card information never traverses your own servers.

The PCI Security Standards Council (www.pcisecuritystandards.org) is a great resource for helping you assess your compliance. The following has been reprinted directly from the PCISSC:



Getting Started with PCI Data Security Standard Compliance

PCI Security Standards are technical and operational requirements set by the PCI Security Standards Council (PCI SSC) to protect cardholder data. The Council is responsible for managing the security standards, while compliance with the PCI Security Standards is enforced by the payment card brands. The standards apply to all organizations that store, process or transmit cardholder data – with guidance for software developers and manufacturers of applications and devices used in those transactions.

If you are a merchant that accepts payment cards, you are required to be compliant with the PCI Data Security Standard. You can find out your exact compliance requirements only from your payment brand or acquirer. However, before you take action, you may want to obtain background information and a general understanding of what you will need to do from the information and links here.

The PCI DSS follows common-sense steps that mirror security best practices. There are three steps for adhering to the PCI DSS – which is not a single event, but a continuous, ongoing process. First, Assess -- identify cardholder data, take an inventory of your IT assets and business processes for payment card processing, and analyze them for vulnerabilities that could expose cardholder data. Second, Remediate -- fix vulnerabilities and do not store cardholder data unless you need it. Third, Report -- compile and submit required remediation validation records (if applicable), and submit compliance reports to the acquiring bank and card brands you do business with.



To learn what your specific compliance requirements are, check with your card brand compliance program:

- American Express: www.americanexpress.com/datasecurity
- Discover Financial Services: <http://www.discovernetwork.com/merchants/fraud-protection>
- JCB International: <http://partner.jcbcard.com/security/jcbprogram/index.html>
- MasterCard: <http://www.mastercard.com/sdp>
- Visa Inc: <http://www.visa.com/cisp>

Lastly, use your credit card processing service to help you stay on top of your compliance. Are you getting an annual PCI Self Assessment Questionnaire from them? Give them a call and find out what your support center can do to help you with your compliance. 



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This page is now open

HARRISON AND BURROWES LAUNCHES GRASSROOTS VOTER ADVOCACY PROGRAM

By: Walter Pacholczak

Over the years, Mr. Jeffrey DiStefano has distinguished himself as one of the premier road and bridge builders in the Northeast. As Chief Operating Officer of Harrison and Burrowes Bridge Constructors, Mr. DiStefano has built bridges from the Canadian border to Westchester County and as far west as Binghamton, completing more than 100 prime and 50 subcontractor projects including the Walkway over the Hudson, the longest pedestrian bridge in the world.

Today, Mr. DiStefano is building a new set of bridges. He is building strong connections between the construction industry and our federal and state officials. Leading by example, Mr. DiStefano has increased his legislative and political engagement by directly lobbying Congressional lawmakers in their home districts and in Washington, D.C., as well as, launching a new employee voter advocacy campaign.

Jeffrey and his wife Vanessa Etherington are the new power couple of grassroots lobbying. Ms. Etherington is the driving force behind the Harrison and Burrowes nonpartisan employee voter advocacy program and the Hardhats for Highways campaign. The employee voter advocacy program is a two stage process of encouraging employees to call and write their legislators in support of a long-term federal transportation highway bill and providing information about



**Hardhats for Highways:
Congressman Paul Tonko and Jeff DiStefano**



**Hardhats for Highways: Paul Colarusso,
Congressman Chris Gibson and Jeff DiStefano**

the action or inaction on infrastructure funding bills. Ms. Etherington has personally contacted and organized all Harrison and Burrowes employees to be ready for action with the simple message of we need you take notice and vote.

The technological backbone of the employee voter advocacy program is the RebuildNYNow.org campaign portal which provides all AGC NYS members the tools and strategies they need to keep their employees abreast of the key policy decisions impacting their livelihood, and opportunities to get involved in the public policy process.

Ms. Etherington has expanded her grassroots campaign portfolio with the Hardhats for Highways program. Hardhats for Highways is an in-district voter advocacy campaign urging Congress to act on a long-term federal highway bill. Ms. Etherington and Mr. DiStefano have traveled the state meeting with key Congressional

Representatives and delivering the hardhats shown in the accompanying photographs.

AGC NYS' grassroots network continues to grow because of the leadership and efforts of Mr. DiStefano and Ms. Etherington. In the coming months, I am ready to work with any AGC NYS member company to continue teaching employees about voter engagement and our elected officials about the needs of New York's crumbling infrastructure.



Congratulations

S.I.R. Joseph “Bud” Gigliotti

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**BOTHAR Construction would like to congratulate Joseph "Bud" Gigliotti as recipient of the 2014 AGC's SIR Award
170 East Service Road Binghamton, N.Y. 13901
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ENGINEERING MATTERS

by Karen Morrison, VP Transportation and Technical Services

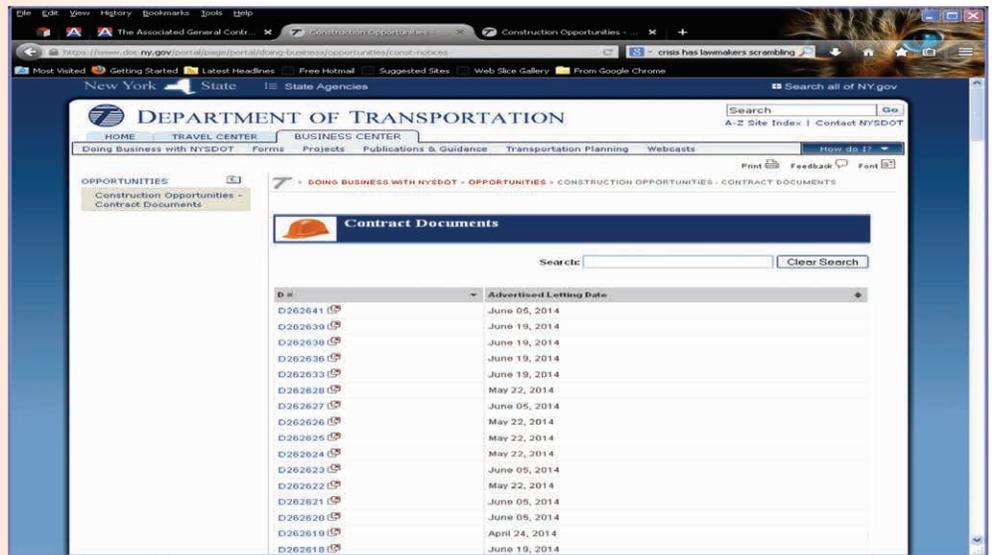
DOING BUSINESS WITH NYSDOT – CONSTRUCTION LETTINGS

The ways NYSDOT provides plans and proposals and their methods for pre-bid question and answer have changed. In addition to Bid Express subscriptions, the following information applies.

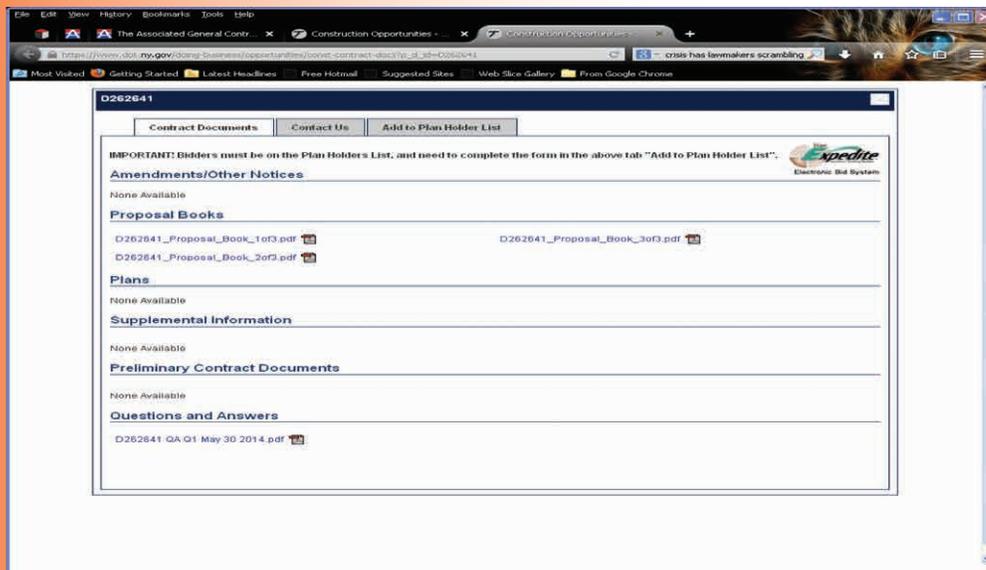
Plans and Proposals are now available on a DOT webpage. Follow these simple steps to successful access: Start by clicking this link and Bookmarking it in your browser.

<https://www.dot.ny.gov/portal/page/portal/doing-business/opportunities/const-notice>

Below is a view of that page:



By clicking the heading of the **D#** column you are able to sort by D number in ascending or descending order. By clicking the **Advertised Letting Date** column you can sort by letting date in ascending or descending order. Access to the individual project information is achieved by clicking on the project number in the **D#** column (D262641 is used in this example).



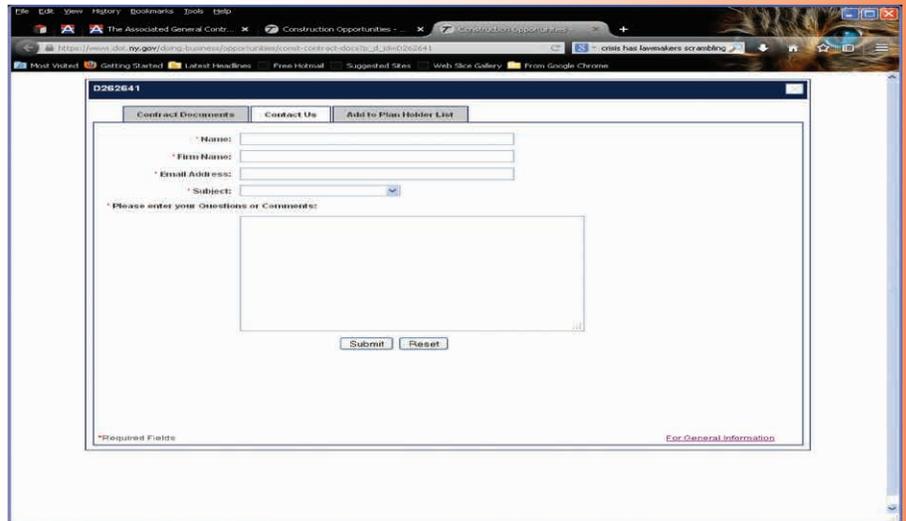
There are three tabs on this page: **Contract Documents**, **Contact Us** and **Add to Plan Holder List**.

Note that you may download the documents from the Contract Documents tab and this is where amendments, supplemental information and questions & answers are posted. (See image to right on next page)



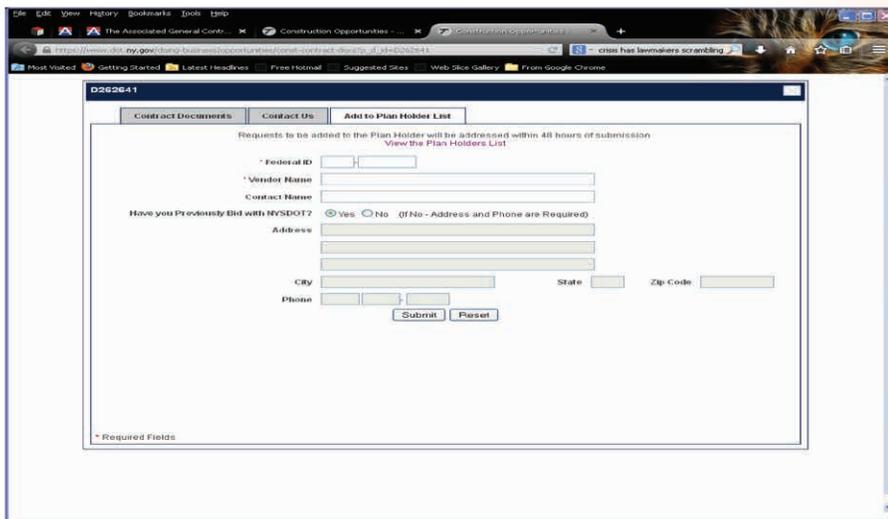
You must submit all pre-bid questions by using the **Contact Us** tab. In the Subject box select the type of question you are submitting by using the dropdown arrow. (See below)

Note that if you wish to retain a copy of your question for your files, you will need to copy your typed text into a Word or other document, and save it separately, before clicking Submit.



Now, in order to be listed as a plan holder, subs, suppliers and prime contractors need to manually enter your company information on the **Add to Plan Holder List** tab to be included in the published listing and to receive amendment notifications. Complete the information requested and click Submit. (See below)

Note that this is the only way for your firm to be identified as having interest in providing a quote or bid on this project. Also, it is the only way you will be notified of amendments for the project.



The **Add to Plan Holder List** tab also provides access to the Current Plan Holder List for the project. Click “View the Plan Holder List.”

Bid submission has not changed – use Expedite and Bid Express for delivery of your proposal.

Note that the Amendments, Proposals, Plans, Supplemental Information, Preliminary Documents and Q&A will remain posted on this page for only 6 months after letting. If you wish to access them after that, you must download and save the documents on your computer.

As always, if you have any questions about bidding and the construction process or need information, call AGC first. We are here to help you!

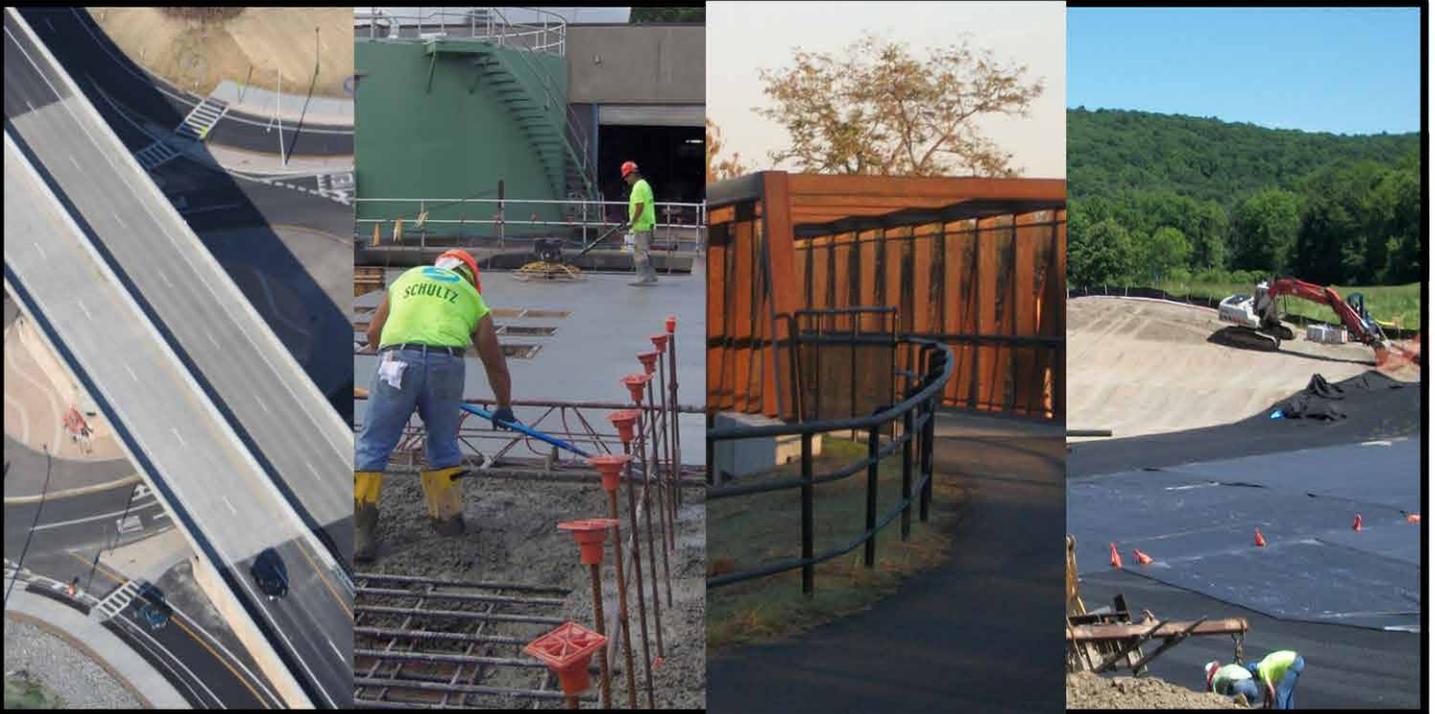
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JOSEPH "BUD" GIGLIOTTI

AGC S.I.R. Award Recipient

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Kirchhoff-Consigli Announces Addition of Paul McCoy

Kirchhoff-Consigli Construction Management (KCCM) is pleased to announce the addition of Paul McCoy, Project Executive to the firm's Albany operations.

A construction industry veteran with 31 years of experience, McCoy is responsible for overseeing a variety of projects, specializing in healthcare facilities. Current projects include the 87,000 square-foot expansion at Northern Dutchess Hospital in Rhinebeck and the Monument Square Development project in Troy, New York. In his role as Project Executive, he is also involved in business development in the Capitol Region.

Prior to joining KCCM, McCoy was Senior Project Manager at BBL Construction Services LLC, specializing in medical facilities and hospital construction ranging from \$1 million to \$30 million.

New Leadership and Name for Sano-Rubin Construction

David J. Hollander has been named President, effective January 2014, of Sano-Rubin Construction Services, LLC.

Mr. Hollander is the fourth generation of the Rubin family to lead the 102 year old construction company and has 20 years of construction expertise and management.

Mr. Hollander received his MBA from Rensselaer Polytechnic Institute and holds bachelor degrees from Union College and the University of Rochester. Former President David M. Rubin, will act as Senior Advisor for the newly named company. The new name better reflects the array of services our firm offers which includes general contracting, construction management, design-build and consulting services.

Erdman Anthony Announces New Staff Certifications, Changes and Awards

Erdman Anthony recently named David Standing, PLS, as department manager of Geospatial Services in its Rochester office.

- Pittsford resident Tiphaine A. Ketch, P.E., C.F.M., hydrologic/hydraulic engineer in the Rochester Transportation Group of Erdman Anthony, was recently certified by the Association of State Floodplain Managers as a Certified Floodplain Manager (C.F.M.).
- Andrew Taylor, P.E., FPE, Erdman Anthony's manager of the Piping, Plumbing, and Fire Protection Services Department, is now licensed as a Registered Professional Fire Protection Engineer in New York and Massachusetts.
- Erdman Anthony recently hired Edward Farrell as junior structural engineer in the Transportation Group in its Rochester office.
- Peter Logar, PLS, Erdman Anthony surveyor, is a winner of the New York State Association of Professional Land Surveyors (NYSAPLS) "Surveyors Got Talent" map contest.
- Erdman Anthony recently hired Robert Schiller, P.E., as project engineer in the Transportation Group in its Rochester office.

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Hilary Clinton Congrats Letter



We at Barrett Paving Materials are proud to recognize Joseph “Buddy” Gigliotti the latest recipient of the SIR award for his continued efforts and accomplishments within the Construction Industry. Although Buddy spent his early years with Barrett, he has always worked for this ever challenging and ever changing industry for the ultimate goal of improvement. We have no doubt that his hard work and perseverance has not only earned him this well-deserved award but provided a benefit to this generation of construction leaders and future leaders to come. Our sincerest congratulations go out to him for such an achievement. We wish him many such successes in the future.



“The true meaning of life is to plant trees under whose shade you do not expect to sit.” - Nelson Henderson



You've entertained us with the history, coached us through the present and prepared us for the future. Congratulations, dear friend, on this well deserved recognition.

You're in good company.

Jeff & Vanessa



Proud to Support
AGC NYS
&
Special Warm Congratulations to Honoree
Joseph “Buddy” Gigliotti
For His Distinguished Service to the Construction Industry
&
Congratulations to the Recipients of the
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Governor Cuomo Congrats Letter



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JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

It is a distinct pleasure to congratulate my friend, J. "Bud" Gigliotti, on being honored with the Association of General Contractor's 2014 SIR Award.

When I was first named Commissioner, another of my good friends, RoAnn Destito, told me that I should reach out to Bud and get to know him. This was some of the best advice I've ever received. Anyone who knows Bud knows that he is one of a kind and a lot of fun to be around. They also know that he could not be a stronger advocate for his industry. I have relied on him more times than I can count for his support, advice and wise counsel.

Bud is a perfect fit for the SIR Award, which celebrates luminaries in the construction world who demonstrate exceptional Skill, Integrity and Responsibility. Bud exemplifies the very best the industry has to offer. His tireless efforts on the part of the industry he loves and has dedicated his life to are appreciated every day.

I greatly value the partnership that we at NYSDOT share with the construction industry and it is people like Bud who help make this partnership thrive. I've always appreciated his warmth, humor and candor and am thrilled that he is being singled out for this prestigious honor. Bud is more than an advocate -- he's a good friend -- and I offer him my heartiest congratulations.

Sincerely,

A handwritten signature in blue ink that reads "Joan McDonald". The signature is fluid and cursive, with a large loop at the end.

Joan McDonald
Commissioner





Congratulates

S.I.R. Joseph "Bud" Gigliotti
2014 AGC SIR Award Recipient

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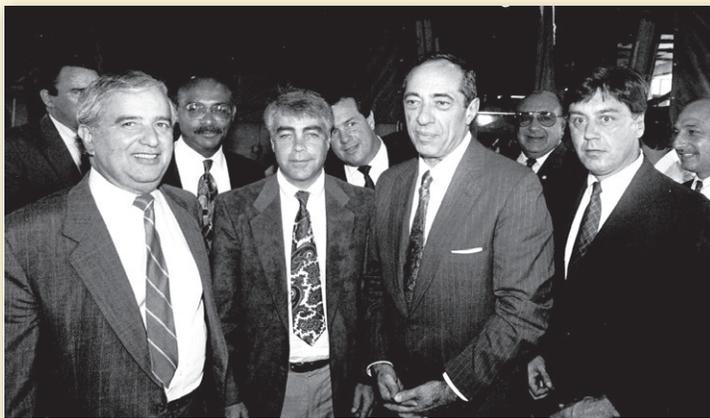


Joseph “Buddy” Gigliotti—A True SIR Indeed

By: Michael Jamison

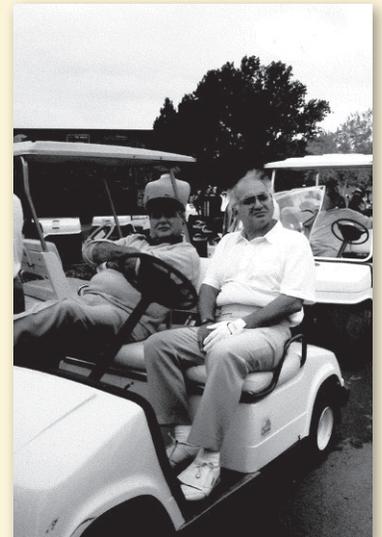
It is not often in today’s society that you find a man with the character, charisma, or passion of Joseph “Buddy” Gigliotti. Buddy, a long-time member of the AGC NYS family, has been a pillar of loyalty and dependability throughout his time with the organization; as a leader (President in 1991 and AGC of America National Highway Director), a member, and most importantly, a mentor. From Jeff DiStefano to Dave Collins—both of whom nominated Buddy for this prestigious SIR Award—to so many others in our industry, Buddy has been a steadfast partner; ensuring that youth has an opportunity to serve and lead our proud organization while making certain that the veterans who offer a vast amount of knowledge and expertise remain active.

A lifelong resident of Utica, Buddy started his career working for Mayor Dominick Assaro from 1968 through the 1971 elections. A Democratic State Committeemen for many years, it was only natural that after a change in the mayor’s office in 1972, Buddy went to work as a political consultant—securing his first contract with a candidate locked in a tough congressional primary race. While his candidate was not successful, Buddy still laughs as he recalls the fun, and at times craziness, that came along with running political campaigns. Buddy remains a loyal and well respected Democratic State Committeeman to this day.



In 1975, Buddy joined Allied Chemicals as the New York Area Manager, where he remained until 1980 when he joined COLAS/Barrett Industries, as a Marketing Manager. In this role, Buddy provided strategic consulting and sales strategy

development, as well as acquisition and growth strategy; eventually helping Barrett become a national leader in transportation infrastructure construction. In 1990, Buddy left Barrett and continues to provide strategic consulting to





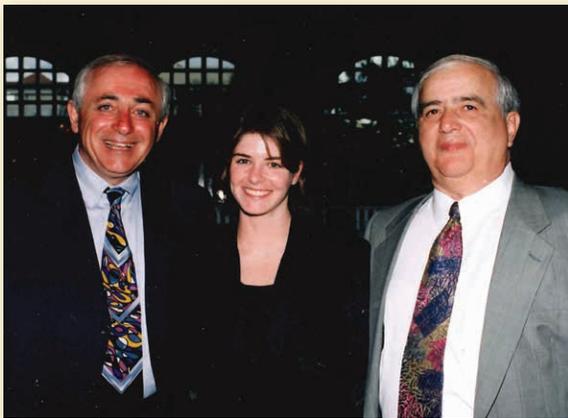
companies under his firm, JGK Associates, and currently works for Lancaster Development playing a key role in their marketing efforts.

A close friend and trusted confidant of some of the biggest names in politics and the construction industry, Buddy leaves a lasting impression on everyone he meets. Perhaps a result of his best friends and mentors Spartakus DeLia and Martin “Marty” Galasso, Buddy brings an unmatched passion for what AGC represents and a desire to work day in and day out to strengthen the construction industry as a whole while also continuing the fight for increased highway funding.

A classic example of the reputation Buddy has built throughout his career took place when a number of AGC members (including Buddy) attended a fundraiser for Governor Cuomo in New York City during his 2010 campaign. As with most candidates who have large fundraisers, the now Governor made his way down the line shaking hands and saying hello to everyone. As he got toward the end of the line Governor Cuomo, recognizing his friend Buddy Gigliotti, yelled out, “Buddyyyyyy” and ran over to say hello and give him a big hug—great if you’re Buddy, but for the last few guys who missed their hand shake with the future Governor, it’s the cost of being friends with such a popular guy.



The SIR Award— named after the AGC motto of Skill, Integrity, and Responsibility is AGC’s highest honor. Recipients of the SIR Award, like Buddy, are recognized for their contributions to the strength of the construction industry. Whether they are working on the jobsite, advocating for contractors, or strengthening our communities and natural surroundings, they are all worthy of the highest recognition the industry provides. A shining example of the humility and passion Buddy has for the industry is when he was asked, “What is your biggest accomplishment with AGC NYS over the many decades you have been around?” His humble answer was simply that until we secure a truly dedicated highway funding stream in New York, his work is not done and the final chapter of his long list of accomplishments is not written. It’s another classic Buddy story, where a man that so many people admire shows why he is being presented this special award. For Buddy, nobody is bigger than the association, and no one single accomplishment stands atop another; it’s about the whole being greater than the sum of its parts.



Joseph “Buddy” Gigliotti is an inspiration to many in the AGC family and joins great company by accepting this award, including AGC greats such as Jeff Zogg, Buddy’s dear friend Martin Galasso, Sr. and Richard Forrestel, who as Buddy said “bleeds AGC pride.” If you speak to Buddy he will tell you how it’s an honor to be considered in the same class with the legacies mentioned above but truthfully, speaking on behalf of everyone who has had the pleasure of meeting or dealing with Buddy, it’s an honor to spend time and work with a man who means so much to everyone in the industry and who is a true role model and the kind of person the SIR Award epitomizes.



Congratulations SIR Joseph “Buddy” Gigliotti. 

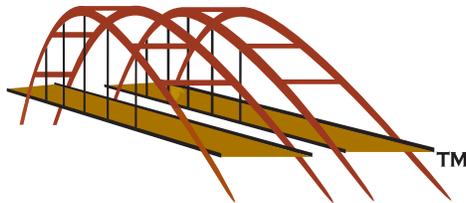
CONGRATULATIONS, BUDDY

2014 AGC SIR Award Recipient

——— *from your friends at* ———

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We thank you for your dedication and commitment to our industry.



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C O M P A N I E S

A handwritten signature in black ink that reads "David J. Collins".

A handwritten signature in black ink that reads "Thomas J. Longe".



Congratulations Buddy



We all benefit from
your conduct, ability,
and accomplishments.



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A Letter from Senator Joe Robach

Chairman, Committee on Transportation

For generations, the strength of the New York State economy has been connected with the quality of our transportation systems and infrastructure. Whether we are talking about the usage of the Erie Canal in the 1800s and early 1900s, or today with the development of our Interstate Highways, the evolution of the MTA and continuous improvements to airports across New York, our transportation systems improve the quality of life for our residents and businesses.

As the new Senate Transportation Chairman, I am keenly aware of the need for New York State to plan and invest in a multi-year capital improvement plan to repair and bolster New York’s ailing infrastructure. With 28% of New York’s bridges having been rated as “failing” and 50% of our roads rated in poor condition, our State must act now to provide the necessary funding to secure and enhance New York State’s future.

In addition, as Chairman of the Senate Transportation Committee I fought hard to ensure that the 2014-2015 New York State Budget included needed investments in transportation, and continued our tradition of providing quality support for our roads, bridges and transit systems. This funding will help keep New York moving forward, while creating more jobs and enhancing public safety for commuters and travelers.

For the second consecutive year CHIPS funding significantly increased and will benefit counties, cities, towns and villages by providing much needed support for key infrastructure projects throughout New York. In addition to this crucial funding, we secured an extra \$40 million in capital funds to help pay for pothole and infrastructure repairs caused by the severe 2013-2014 winter weather. Not only will this funding help ease the burden on local municipalities, it will help create hundreds of valuable construction jobs for our economy.

The 2014-2015 increase in funding for Upstate infrastructure repair is a step in the right direction of creating regional balance. Traditionally, mass transit projects and improvements have received priority funding compared to what is received in smaller cities and suburbs across New York. A priority of mine as Senate Transportation Chairman is to strike a balance in funding so that the entire state is treated equally.

Our roads, highways, bridges and transportation systems play an important role in the New York State economy and the quality of life for residents. I believe that we should be implementing policies and investments that not only add to safe travel, but lead to infrastructure improvements that will benefit economic development and job retention throughout New York.



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Congratulations “BUDDY”!



Dear Buddy,

We Recognize your Skill, Integrity and Responsibility – certainly, but all of us here at Peckham also wish to thank you for so many years of selfless devotion to the promotion and development of this incredible *Industry*. You have truly been a great leader and example. Many thanks from all of us!

John & Amy Peckham
And All Of Us Here at
Peckham Industries, Inc.



PECKHAM
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2014 New York State Legislative Summary

Walter Pacholczak, VP of Government Affairs



AGC NYS lobbies state lawmakers on key issues like the budget, scaffold law reform, contractual matters and state infrastructure bills. Over the two-year legislative cycle, AGC NYS engages in over 300 bills that are beneficial or damaging to the construction industry.

We continue to strengthen the legislative engagement of our membership, through direct lobbying, voter advocacy, letters, and telephone calls to key legislators in Albany and Washington, D.C.

AGC NYS continues to broaden coalition building efforts by forming key legislative alliances with state and national business associations, corporate partners, foreign governments, and local government leaders. Coalition building on select legislative issues strengthens our ability to make an impact at the State Capitol and Capitol Hill.

Below is a snapshot of the key state legislative issues in 2014.

Infrastructure Friendly Vehicle Requirements

S.6825-A (Seward)/A.9618-A (Lifton)

Extends the date of retrofitting compliance for infrastructure friendly vehicles until December 2019.

(AGC NYS Support. Passed Senate and Assembly)

New York City School Construction Authority - Wicks Exemption

S.7732 (Felder)/A.9718 (Nolan)

Extends the NYC SCA exemption from the Wicks Law until 2019.

(AGC NYS Support. Passed Senate and Assembly)

New York City School Construction Authority - Notice of Claim

S.6577 (Ranzenhofer)/A.8805 (Brennan)

Brings the time of accrual for contractual work performed by the NYC SCA into conformance with Education Law §3813 which is applicable to all other school districts statewide.

(AGC NYS Support. Passed Senate and Assembly)

Rochester Schools

S.7859-A (Robach)/A.10083-A (Morelle)

Authorizes Phase 2 of the City of Rochester school facilities modernization program, allowing for the expenditure of up to \$435 million for the reconstruction of up to 26 schools in the City School District. It also amends the governance structure of the program to make it more accountable and transparent.

(AGC NYS Support. Passed Senate and Assembly)

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Brownfields

S.7878 (Grisanti)/A.10135 (Sweeney)

Extends the sunset of the brownfield cleanup program, and authorizes refinancing of the State Superfund program. \$100 million appropriation.

(AGC NYS Support. Passed Senate and Assembly)

Mental Hygiene Facilities

S.6981 (Ranzenhofer)/A.9612 (Rozić)

Increases from \$40,000 to \$80,000 the threshold above which the Dormitory Authority of the State of New York ("DASNY") must publicly bid contracts for the construction, reconstruction, rehabilitation and improvement of mental hygiene facilities under the Facilities Development Corporation ("FDC") Act.

(AGC NYS Support. Passed Senate and Assembly)

Design-Build

Not introduced by Senate and Assembly

Authorizes the use of design-build contracting for certain state agencies was not approved.

(AGC NYS Supports Extending Current Law. Did not pass Senate and Assembly)

Prohibit Materials Retainage

S.980-A (Libous)/A.725-A (Braunstein)

Requires full payment for delivered materials pertaining to public works projects, and amends the general business law, in relation to prohibiting the retention of any payment due and owing a material supplier for a construction project.

(AGC NYS Opposed. Did not pass Senate or Assembly)

Job-Order Contracting

S.6618-A (Savino)/A.8757-A (Abbate)

Places needless limitations on job order contracts (JOCs) utilized by New York State agencies, authorities, and municipal governments for public work projects.

(AGC NYS Opposed. Did not pass Senate. Passed Assembly.)

Additional Insured

S.6606-A (DeFrancisco)/A.8747-A (Cusick)

Provides that provisions in construction contracts with respect to requirements for certain additional insurance coverage are void and unenforceable.

(AGC NYS Opposed. Passed Senate. Did not pass Assembly.)

Buy America

S.7206 (DeFrancisco)/A.9521 (Morelle)

Relates to the use of American-made iron, steel and manufactured products in certain government contracts.

(AGC NYS Opposed. Did not pass Senate or Assembly)

Medical Marijuana

S.7923 (Savino)/A.6357-E (Gottfried)

Regulates the manufacture, sale, and use of medical marijuana.

(AGC NYS Monitored Bill. Passed Senate and Assembly)

NYC Joint Bidding

S.7849-A (Lanza)/A.10021-B (Silver)

Relates to joint bidding on contracts for public work projects and may include contracts for a New York City utility interference work project.

(AGC NYS Monitored Bill. Passed Senate and Assembly)

NYC Lower Manhattan

A.7516 (Lanza)/A.9613 (Silver)

Extends the Coordinated Construction Act for Lower Manhattan until December 31, 2024.

(AGC NYS Monitored Bill. Passed Senate and Assembly)



THE AGC ALTERNATIVE: A NEW WAY TO SAVE MONEY ON HEALTH CARE COSTS

by Stephen E. Sandherr, Chief Executive Officer

When we conducted our annual Construction Hiring and Business Outlook at the beginning of the year, one of the findings that struck us was how many members reported they were expecting to pay more to provide health insurance in 2014 compared to last year. Ninety-five percent of firms reported they plan to pay more to cover their employees this year. Meanwhile, the vast majority of respondents reported being squeeze by rising materials and labor costs and stagnant prices for the services they provide.

While we can't lower the price of concrete and asphalt, turns out we might be able to save members when it comes to the cost of providing health benefits for their employees. That is because we are planning to launch a new private insurance exchange in cooperation with Willis North America. The new exchange, called "The AGC Alternative," is anticipated to be live this summer and will allow member firms to deliver better health insurance and related benefits to their employees at a lower cost, officials added.

The new private exchange should reduce costs and the administrative burden of providing insurance benefits. And because the exchange will offer a broader range of options than typically available to individual firms, employers and their employees will get more of the benefits that meet their particular needs. The new exchange will also make it easier for firms to comply with the Affordable Care Act requirements. And, unlike many public exchanges, the new private exchange will also provide employees with the guidance and support they need to make good decisions.

To be clear, we still have a lot of work to do before the exchange can become a reality, including securing a national insurance provider. But once the AGC Alternative is ready each member firm will be able to set up its own private company benefits exchange site for employees. Participating firms will then provide a

stipend to their employees, who will use those funds to shop for health insurance and other benefits offered through the exchange.

Once we put all the pieces together, we will have much for information to share with you. But in the meantime, please feel free to visit <http://www.agc.org/exchange> to find out a bit more about what we are planning on doing with the exchange and to add your firm's name to a list of ones that might be interested in using the AGC Alternative. 

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WISHING YOU ALL THE BEST!



MD&B Receives National ESOP Communications Award on 10th Anniversary as an Employee-Owned Company

May 16, 2014 (Washington, DC) – Maine Drilling & Blasting has been selected by The ESOP Association, as a 2014 Runner-Up Winner in their national Annual Awards for Communication Excellence (ACE), in the category of Intranet, Over 250 Employees. The ACE Awards are sponsored each year by the Association to recognize the outstanding communications and educational programs of its members.

The awards are presented each May at the Association’s Annual Conference in Washington, DC to companies who have excelled in communicating the ESOP (employee stock ownership plan) and its meaning to the company’s employees.

Maine Drilling & Blasting is an employee-owned company with corporate headquarters in Gardiner, Maine. There are 365 active employees in the Company’s ESOP, which was established in 2004. Of those, 133 are 100% vested. Fifty percent have account balances of between \$1,000 and \$50,000, and over a third have account balances in excess of \$50,000. An active MD&B ESOP Employee Communication Committee helps promote a broad-based understanding of MD&B’s ESOP, supports a vibrant culture of employee ownership, and represents the interests of all employee owners.

In late 2013, employees embraced a “Saving like an Owner” initiative proving everyone can impact profit by targeting areas to reduce waste and improve production efficiencies. MD&B’s Employee Intranet sports a database of employee suggestions of target opportunities, complete with progress updates on action items, and success stories with quantified savings from hundreds to hundreds of thousands of dollars per year per target. Beyond this database, the MD&B Intranet offers a robust resource for Employee Ownership, including ESOP plan documents and communications, FAQs, employee comments, and information on ESOP-related contests and activities held throughout the year.

President and CEO, Bill Purington commented, “We are very pleased to have been selected as a 2014 ACE Award winner, especially on our 10-year anniversary as an employee-owned company. It is testament to the way we have come to think and work like owners. We strongly believe in the power of employee ownership. While employees are rewarded with increased economic security and additional retirement funds, the customers of MD&B are benefiting from the motivated workforce and higher standards of service our ownership culture has created. That culture is driving our success.”

ACE Award winners are chosen by a panel of five judges made up of both management and non-management employee owners, each of whom has demonstrated active experience and interest in the field of ESOPs and employee ownership communications. Awards are based on: overall quality and quantity of employee owner education, contributions of employee owners, integration of the ESOP into company culture, frequency of ownership communications, involvement and/or response of employee owners, encouragement of ownership attitudes, clear expectations, creative ideas, graphic design and technical quality.

Maine Drilling & Blasting, recognized as a leader in the industry and a long-term contributor to the local community, offers drilling and blasting services to the construction and quarry markets, along with a variety of specialty services

throughout the Northeastern and Mid-Atlantic United States. In addition to the corporate office in Gardiner, Maine, Maine Drilling & Blasting has offices in New Hampshire, Vermont, New York, Massachusetts, Connecticut, and Pennsylvania.

The ESOP Association is the national trade association for companies with employee stock ownership plans (ESOPs) and the leading voice in America for employee Ownership. The core cause of the ESOP Association is the belief that employee ownership will improve American competitiveness, increase productivity through greater employee participation, and strengthen our free enterprise economy. 



(L to R) J. Michael Keeling, President, The ESOP Association, with John Capasso, President, MD Drilling & Blasting, and Bill Scott, Chief Engineer, Maine Drilling & Blasting, members of MD&B’s ESOP Communication Committee.

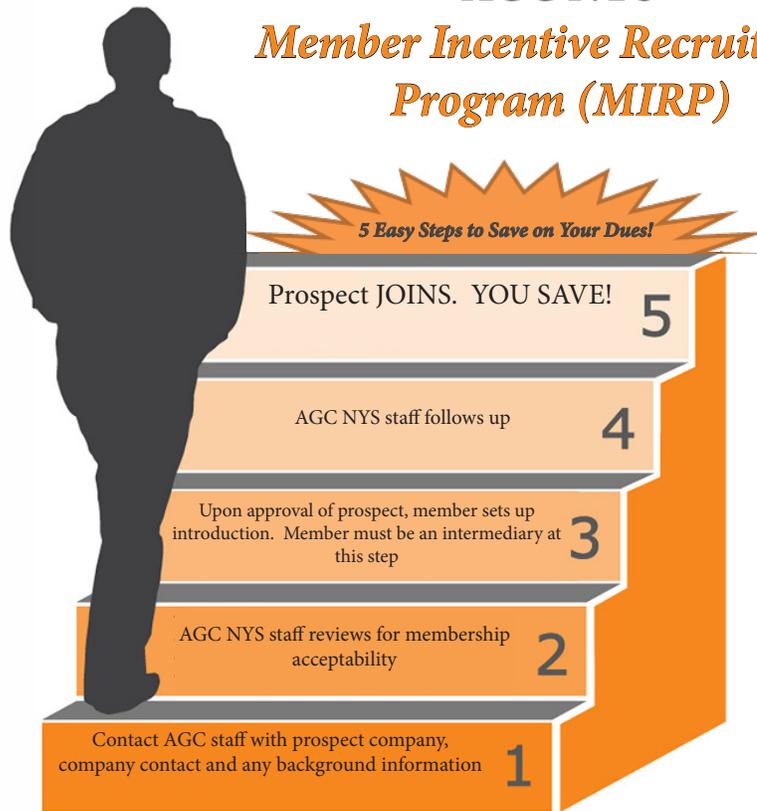
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MEMBER RECRUITMENT PROGRAM COULD MEAN SAVINGS FOR YOUR COMPANY

by Dennis Kiefer

Member numbers are generally down for associations across the country, and across all industries. There are many reasons for this, including consolidation of businesses, attrition, other access to information, and associations not keeping up with current times. AGC NYS has made great strides in staying current with technology and continuing to deliver essential information and industry expertise, but we are no stranger to having Member firms bought by other Member firms, or simply older firms closing their doors. We need an influx of new Contractor Members to continue building our voice for the industry. AGC NYS staff are always on the lookout for a quality contractor that we can approach for membership purposes. But the best sales pitch we can provide to a prospective member comes from you – our current Members. There is no better selling point than a testimonial from a current AGC NYS Member.

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* Dues rebate check issued if annual dues have been paid at the time of recruitment
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 * Dues eligible for rebate are NYS dues only

Remember – our MIRP (Member Incentive Recruitment Plan) is always available to all current Members who assist in the recruitment of a new member. It's simple – refer us to a quality prospect, make an introduction to get us in the door, and we'll take it from there. When they join, you get the credit! Soon our website will be revamped to include our lists of top prospects across the state, and we'll make this public so you can access the list and tell us who you know. We'll help you get the credit you deserve, and the association will get new Members. It's a total WIN-WIN situation.



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I-495 Bridges- Lowell Bridge Bundle

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OSHA's Proposed Rule for Electronically Recording Injury and Illness Information

by Jim Redmond, AGC NYS Safety Services Director

AGC NYS recently submitted comments to the Docket office on behalf of the AGC NYS Safety committee and the Membership regarding OSHA's Proposed Rule for Electronically Recording Injury and Illness Information. The proposed rule outlines employer responsibilities for electronically submitting company injury and illness information on a scheduled basis depending on the company size. If this proposed standard becomes law as it is written, employers will be required to share private and sensitive employee information on a wholesale basis.

Currently, OSHA's recordkeeping regulations require that employers with more than 10 employees and whose establishments are not classified as a partially exempt industry, must record work related injuries and illnesses using the following three forms:

- Form 300, Log of Work Related Injuries and Illnesses
- Form 300A, Summary of Work Related Injuries and Illnesses
- Form 301, Injury and Illness Incident Report

These employers are also required to post the previous year's Form 300A in the workplace every year from February 1 to April 30. Employers covered by the Occupational Safety & Health Act only have to report to OSHA when a work-related incident results in the death of an employee or the in-patient hospitalization of three or more employees. In these circumstances, employers must notify OSHA within eight hours.

Presently, the agency has access to establishment specific injury and illness information in a particular year only if one of the following occurs:

- The establishment was inspected.

- The establishment was part of the OSHA Data Initiative.
- The establishment reported a fatality or multiple hospitalization event.

Under the Proposed Rule, establishments that have 250 or more employees, and that are already required to keep injury and illness records, would be required to electronically submit annually to OSHA their Form 300a. In addition, these employers on a quarterly basis would have to submit injury and illness case information from



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forms 300 and 301. Establishments with 20 or more employees in the previous year, that are already required to keep records, and that are in certain designated industries with high injury and illness rates, would be required to submit their information electronically on an annual basis. After the Agency receives the information from Form 300A, Summary of Work Related Injuries and Illnesses, the employer, upon notification, would be required to electronically submit to OSHA specified information from their records according to OSHA's current recordkeeping regulations. The information required by establishments is to be submitted to OSHA through a secure website. This data would then be made publically available by OSHA online after it is cleaned of personally identifiable information.

AGC NYS comments submitted in opposition to the proposed rule were as follows:

AGC NYS and its Membership are opposed to requiring establishments to submit their injury and illness records to OSHA electronically. Current recordkeeping requirements under 29 CFR Part 1904 are an effective means to record injury and illness information. The Secretary already has the ability to review these records under certain circumstances. Requiring establishments to submit this information as proposed will not benefit any party involved.

Recordkeeping information regarding occupational injuries and illnesses is private and sensitive "company specific" data. The Assistant Secretary, Davis Michaels said, "The main purpose of this rulemaking is to improve workplace safety and health through the collection and use of timely, establishment-specific injury and illness data." The broad submission of such information will not result in an accurate analysis of what the data actually reflects. These statistics will not tell the whole story such as cause of the accident, employee's role in the incident, whether OSHA requirements were being followed, the overall culture of safety within that company, etc. At the end of the day, the data obtained will not serve to better protect employees in the workforce.

As proposed, information has to be submitted electronically through a secured site. The most recent news about security breaches that are being experienced is alarming. There are serious concerns regarding employee and company privacy issues that may be compromised as a result of such requirements. Also, those that fail to submit their information may be cited for a recordkeeping submission violation even though their recordkeeping paperwork may be completely compliant. For those that attempted to submit their information, but failed due to a website that does not function properly, may also be considered to be non-compliant with such regulations.

OSHA is a small agency with roughly 2,400 inspectors covering almost eight million workplaces. Real impact on safety occurs when inspectors are at facilities seeing what is actually going on. Employees will not be safer just because recordkeeping data is being compiled electronically by OSHA. In our estimation, this is a step in the wrong direction. It is "over regulation" and will be costly to administer without real benefit.

The Membership of the Associated General Contractors of New York State and the AGC NYS Safety Committee appreciate your consideration with regard to the proposed Electronically Recording Injury and Illness Information. The amount of resources that will be needed to collect, redact sensitive information, compile, store and manage the data from millions of recordkeeping submissions, will far outweigh the benefits. The results will not be truly indicative of what the issues really are. One cannot obtain the nitty-gritty from a piece of paper and the real issues will get lost in the shuffle.

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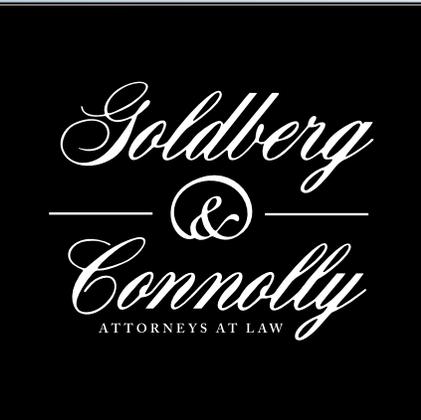
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AGC NYS would also like to extend a special thanks to Posillico Civil Inc. who has taken advantage of the Member Incentive Recruitment Program (MIRP) and brought a number of new members into the AGC NYS family.



MAPPING A ROAD TO REAUTHORIZATION

By ARTBA Senior Vice President of Government Relations Dave Bauer

The 2012 surface transportation law, “Moving Ahead for Progress in the 21st Century” (MAP-21), expires in less than seven months. While the

primary House and Senate committees of jurisdiction have launched aggressive reauthorization efforts of hearings and other outreach activities, the fundamental reality remains that the timing, duration, and size of the next surface transportation authorization bill is directly contingent on how Congress addresses the Highway Trust Fund’s (HTF) repeated revenue shortfalls.

It’s All About the Highway Trust Fund

All public-access roads and bridges in the U.S. are owned and operated by state and local governments. Since 1916, however, the federal government has shared the cost of building and preserving major roads. Between 1956 and 2008, the HTF was the source of all federal investment in highways—and, since 1982, most federal investment in public transportation. The HTF supports these investments with revenues collected from the federal motor fuels tax and other highway user fees. During that time, there was no burden on the general fund and no impact on the federal deficit.

Beginning in 2008, existing revenues flowing into the trust fund were unable on their own to preserve investment commitments from the 2005 surface transportation law, SAFETEA-LU. In 2008, 2009 and 2010, Congress approved separate measures to supplement trust fund revenues with general funds—the cumulative amount of these transfers (\$35 billion) was equivalent to past resources diverted from or denied to the trust fund.

The need for general fund transfers in FY 2008-10 was not due to a collapse of HTF revenues, but to lower revenues than projected in the SAFETEA-LU measure. Revenue forecasts at that time assumed travel would continue to grow as rapidly as in the recent past, and SAFETEA-LU’s investment levels were set to expend all projected revenues. But, beginning in FY 2008, actual revenues fell short of projections, and general fund transfers were needed to cover HTF outlays. This cash flow shortfall was exacerbated by SAFETEA-LU’s structure, which intentionally set in motion a path to deplete the trust fund by setting

investment levels that required the use of both incoming trust fund revenues and liquidation of the trust fund’s then multi-billion dollar surplus. Congress also created two independent commissions in SAFETEA-LU that were directed to come up with proposed solutions to the problem the law created—proposals on which Congress did not act.

While trust fund revenues have rebounded and now exceed pre-recession levels, they are still not sufficient on their own to support the investment levels put in place by SAFETEA-LU. As a result, MAP-21 supplemented HTF revenues with \$20 billion in resources from elsewhere in the federal budget to enable the new law to preserve existing levels of federal highway and public transportation investment for FY 2013 and FY 2014.

The Elephant in the Room

Members of both parties and on each side of Capitol Hill are promoting reforms they want to see in MAP-21’s successor. ARTBA and other stakeholder groups have also worked to develop policy priorities to advance during the reauthorization debate. Ensuring the operation and structure of the federal highway and public transportation programs deliver maximum benefit for the American public in terms of transportation improvements will always be a key ARTBA priority.

There are, however, two realities to the discussion regarding the next surface transportation bill: MAP-21 was almost entirely a policy reform bill and most of those reforms will not have been implemented when the measure expires at the end of September; and no reauthorization bill will move forward until Congress addresses in some capacity the looming HTF revenue shortfall.

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ARTBA has been reporting for almost a year that the Congressional Budget Office (CBO) projects existing trust fund revenues will be unable to support any new highway or public transportation investment in FY 2015. This means current federal highway investment of \$40.3 billion and transit funding of \$10.7 billion would need to be reduced to zero in FY 2015 unless Congress acts.

New Wrinkle in February CBO Report

The CBO's February 4 HTF revenue and spending projections add a new wrinkle to this dilemma as they now show the fund's Highway Account will likely run short of cash to pay bills before FY 2014 ends. Due to lowered projections regarding overall U.S. economic performance, CBO now estimates the Highway Account will end FY 2014 with only \$1 billion, which would cause cash-flow imbalances that could force the Federal Highway Administration (FHWA) to delay some payments to states for construction work performed on federal-aid highway projects. An injection of \$3 billion would be needed to pay all anticipated bills for the remainder of the fiscal year and allow FHWA to manage cash-flow.

In addition to the funds needed before the end of FY 2014, a three-month extension of MAP-21 will now require an infusion of \$3 billion into the Highway Account, while a six-month extension would require just under \$5 billion. No additional funds would be needed for the Mass Transit Account. A one-year extension of MAP-21, through September 2015, would require a revenue infusion totaling \$19 billion—\$3 billion for FY 2014 and \$16 billion for FY 2015, including \$13 billion for the Highway Account and \$3 billion for the Mass Transit Account. A full six-year

reauthorization funding the highway and mass transit programs at their current level, plus annual adjustments for inflation, would require a revenue infusion of just under \$100 billion or an average of slightly less than \$17 billion per year.

While this situation clearly seems daunting, the fact remains that we have been here before. Congress has demonstrated time and again that the vast majority of members from both parties have no interest in massive cuts in highway and public transportation investment. In fact, Congress has on four separate occasions since 2008 overwhelmingly approved legislation to stabilize the HTF in the short-term and preserve existing levels of surface transportation investment.

What's Past is Prologue

The last reauthorization process was stalled from October of 2009—when SAFETEA-LU expired—to February 2012—when the Senate Finance Committee developed a bipartisan plan to provide revenues to stabilize the Highway Trust Fund for two years. President Obama signed MAP-21 into law about four months later.

Shakespeare wrote, "What's past is prologue." This perspective applies well to the current reauthorization situation—just as was the case with MAP-21, the next bill's duration and investment levels, as well as when we are likely to see legislation move forward, will be defined by how and when Congress addresses the HTF's recurring revenue shortfalls. This is why ARTBA's primary focus since the enactment of MAP-21 has been educating members of Congress on the need to generate new revenues for the HTF, and working with our allies

in the transportation community to engage the congressional tax committees and leadership of both parties about methods to advance a trust fund solution.

The only people who see the reauthorization of the federal highway and public transportation programs as a quick process are those who have already given up. Two things that are clear at this point: we are in for a long haul; and ARTBA will be there until this journey ends.

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AGC NYS Scholarship Committee Awards 24 Scholarships and the Paul B. Richards Memorial Scholarship Awards II Scholarships in 2014

By: Brendan Manning

On Tuesday, June 24, The AGC NYS Scholarship Committee met in Verona, NY to select the winners of the 2014 AGC NYS Scholarship Program. After many hours of scoring and deliberation, the committee selected 24 students to receive just over \$60,000 in scholarships. Since 1988 the committee has awarded over \$1 million in scholarships to young men and women working toward a degree in Civil Engineering, Construction Technology and Construction Management.

As a major part of the AGC NYS Scholarship Program fundraising efforts on Monday, June 23, 2014, 298 golfers attended the 25th Annual Anthony S. Santaro AGC Scholarship Golf Classic at Turning Stone Resort and Casino to raise funds for the AGC Scholarship Foundation.

The AGC NYS Scholarship program is funded by our members through the annual Golf Classic; by individual member donations, and through endowments. Held each year in June at the golf courses at Turning Stone Casino & Resort, the Golf Classic attracts more than 300 participants. Its offers a five-man scramble and a two-man best ball competition on three different courses. The full-day event begins with a late morning shotgun start. All golfers enjoy a barbecue lunch on the course, and then meet for cocktails, dinner, prizes and our famous auction.



PAUL B. RICHARDS MEMORIAL SCHOLARSHIP WINNERS ANNOUNCED

During his thirty years of service to the construction industry of New York State, Paul Richards, former Managing Director of the General Building Contractors of NYS (formally the NYS Building Division of the AGC NYS), earned the respect of all with whom he worked by his dedication to the AGC ideals of Skill, Integrity and Responsibility. In memory and appreciation for Paul's excellent service and leadership and for his strong commitment to education, the Paul B. Richards Memorial Scholarship was endowed in 1987 by the Membership of

the GBC. Each year, \$2,500 scholarships in Paul's name are presented to deserving young men and women pursuing undergraduate degrees in construction-related fields who show a real interest in pursuing a career in the construction industry. Since 1987 the scholarship has awarded over \$207,000 in awards.

THE 2014 WINNERS ARE:

- James Chapeton - SUNY Delhi*
- Derrick Clark - Alfred State College*
- Menczel Gogo - Polytechnic Institute of NYU*
- Nablul Haseabl - City College of New York*
- Timo Havens - SUNY ESF*
- Tomas Kovalcik - Syracuse University*
- Jessica Lacey - SUNY Delhi*
- Savanna Sampson - Polytechnic Institute of New York University*
- LaVerne Sessler - Syracuse University*
- Dmitri Skrinik - SUNY ESF*
- Joseph Vantassel - Rensselaer Polytechnic Institute*



Special thanks to the Paul B. Richards Scholarship Interviewers:
Risk Eastman of Eastman Associates, Dave Kafel of Turner Construction, Dudley Sutton of Vantage Equipment and Greg Wolf, Alexander Wolf & Son.



IS YOUR FIRM PARTICIPATING IN THE ACE MENTOR PROGRAM?

About ACE

More than 8,000 high school students will get a first-hand look at the Architecture, Construction and Engineering world in what is becoming one of the most talked about high school mentoring programs in the industry. The program has a presence in most major cities and is growing.

The Mission of the ACE Mentor Program:

To engage, excite and enlighten high school students to pursue careers in architecture, engineering and construction through mentoring and to support their continued advancement in the industry.

No one really envisioned the dramatic effect this program would have on both high school students and the Architectural, Construction, and Engineering (ACE) profession. Dedicated ACE volunteers provide hands-on experience to thousands of young high school students each year. Through the 62 affiliates across the country, students work alongside industry professionals. Mentors are the heart of our organization helping students understand the wonderful opportunities in the construction industry and preparing them for college and future employment. The



mentors work with the students and engage them in the planning, creation and implementation of some of the biggest projects happening in their home towns/cities each year. These students will be the next generation of architects, construction managers and engineers.

Not only does the program enlighten our students about the construction industry, we also work with the students to understand the process of student recruitment and enrollment in colleges/universities and highlight the schools that offer construction related majors.

Consider this:

- Almost 5,000 mentors reaching over 8,000 students during the 2011-2012 school year
- Two-thirds of the students are minority
- One-third of the students are young women
- 92% of ACE graduates enroll in future education/college and are in need of financial aid
- Each year, ACE offers scholarships to selected students to help them pursue a college career. ACE has awarded more than \$12 million in scholarships to students since inception
- ACE mentoring firms have contributed more than \$10 million in volunteer time annually

What do students think of their ACE experience:

- I now feel more comfortable entering a demanding University because of the experience I had with the program.
- I had an overall great experience with the ACE Mentor Program.
- It provided me with a lot of insight about a variety of engineering disciplines, which really helped me decide what I wanted to study in college. It also helped me develop important skills while we were completing our group projects that will be vital to my success in college and my career. It has helped me shape my future.

AGC NYS has been actively participating in ACE since 2001. ACE has chapters in Albany, New York City, Rochester and Syracuse, New York. For more information contact Brendan Manning at the AGC NYS at bmanning@agcnys.org or (518) 456-1134.



AGC

Training

Event and Education Calendar



AGC NYS, LLC Calendar

For more information on the courses below, please visit the calendar at: www.agcnys.org.

AUGUST 14 – WEBINAR: A CONTRACTOR REVIEW OF CONSTRUCTION RELATED APPS (IN CONJUNCTION WITH THE AGC OF GA)

Time: 12 – 1:15 PM

Please see the AGC NYS website for more information

SEPTEMBER 30 – SUPERVISORY TRAINING PROGRAM / UNIT 6: UNDERSTANDING AND MANAGING PROJECT COSTS

Time: Thursdays 5:30 – 8:30 P.M.

Location: ECC South Campus 4041 Southwestern Blvd. Orchard Park, NY 14127

NOVEMBER 11 – SUPERVISORY TRAINING PROGRAM / UNIT 7: ACCIDENT PREVENTION AND LOSS CONTROL

Time: Thursdays 5:30 – 8:30 P.M.

Location: ECC South Campus 4041 Southwestern Blvd. Orchard Park, NY 14127

DECEMBER 9-11 –

CONSTRUCTION INDUSTRY CONFERENCE

SAVE THE DATE – AGC NYS will be holding our 28th Construction Industry Conference December 9-11 at the Saratoga Hilton in Saratoga Springs, NY. For more information contact Cathy Newell at 518-456-1134.



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