January 8, 2015

This newsletter is delivered electronically to our Members.

INDUSTRY

New York State Raises Minimum Wage – Effective January 1
The NYS Minimum Wage officially increased to $8.75 per hour beginning January 1, 2015. AGC NYS will be updating our compliance poster to reflect the new minimum wage. In the meantime, contractors can download a printable copy of the required posting at http://labor.ny.gov/formsdocs/wp/LS207.pdf.

NY Capital Region Chapter of CFMA to Hold 2015 Economic Outlook with Presenter Mike Elmendorf
On January 22, 2015, CFMA will host “2015 Crystal Ball: Capital Region Construction and Economic Outlook” at Wolferts Roost Country Club in Albany. Our very own Mike Elmendorf, along with Business Council President and CEO Heather Briccetti, will present their outlook on the need to improve the state’s economic climate and to attract a greater share of U.S. economic growth; with special emphasis on New York’s construction market and the state’s infrastructure funding crisis. For more information, or to download the program registration form, click here.

AGC NYS and Lean New York City Cordially Invite You to Our Annual Holiday Reception
We will host the event next Wednesday, January 14, 2015 from 5:30 p.m. to 7:30 p.m. at 121 Fulton Street Lounge, located at 121 Fulton Street, New York, NY. We are offering sponsorships for this event. Please click here for more information on becoming a sponsor.

We wish to thank the following firms who have become sponsors for this Reception. Advance Testing Co., Inc., Construction Risk Partners, Grassi & Co., Posillico Civil, Tully Construction and Vanguard Coverage Corp.

Please individually R.S.V.P. by January 10, 2015 to Stacy Manny at 518-456-1134 or via email to smanny@agcnys.org.

AGC NYS 2015 Winter Meeting February 27 – March 4, 2015
Registration deadline closes on January 16 for the AGC NYS 2015 Winter Meeting at the LaPlaya Beach and Golf Club Resort in Naples, Florida, February 27 – March 4, 2015. This beautiful property
will provide a relaxed atmosphere to conduct our Winter Meeting. Our new Board of Directors and Building and Highway Boards of Governors will be elected for 2015. We will have daily committee meetings and will offer a seminar conducted by Jake Appelman, Principal, FMI Corporation, Key Principles in Building and Enduring Organization. In addition, sponsorships are available for the meeting and can be made.

For more information on the property and to view the schedule and registration information please click here.

**Staff Contact: Cathy Newell**

**SAVE THE DATE – April 16, 2015 - Jeffrey J. Zogg Build New York Awards Program**
The Jeffrey J. Zogg Build New York Award winners will be honored on Thursday, April 16 at the Franklin D. Roosevelt Library and Museum in Hyde Park, New York. This year’s winning firms, Bette & Cring, LLC, Hueber-Breuer Construction Co., Inc, Kirchhoff-Consigli Construction Management, and their teams will be honored at this special event.

The event will begin at 6 pm with a reception followed by the presentations at 7:30 pm. Registration materials will follow shortly but we are currently looking for sponsors to help underwrite the evening’s events. Click here for a sponsorship form.

**2015 Construction Industry Hiring and Business Outlook Survey**
AGC of America has begun preparing the 2015 Construction Industry Hiring and Business Outlook. A key component of that outlook is the information we gather from Members like you. If you have not done so already, please take a few minutes to complete the survey. AGC's chief economist Ken Simonson will help analyze the results, which will release in January to the media and Members. As in the past, there will also be state-specific outlooks for every state which had a sufficiently robust response. Thanks in advance for all your help and support, and please contact Brian Turmail with any questions.

**WANTED: AGC Members Who Want to Connect to our AGC Student Chapters**
The AGC NYS Scholarship and Student Chapter Committee has a goal in 2015 to link at least 2-4 AGC NYS members who would like to “adopt” or connect with an AGC Student Chapter. Your roll will be to work with AGC Staff to interact with the faculty contact and student officers of the chapter to assist with speakers, field trips etc and to make them aware of the AGC Scholarship and Grant Program. The 13 student chapters in the state include: Alfred State College, Clarkson University, Hudson Valley Community College, Monroe Community College, New York City Technical College, Pratt Institute, Rochester Institute of Technology, SUNY College of Environmental Science & Forestry (ESF), SUNY College of Technology at Farmingdale, SUNY Delhi, Tompkins Cortland Community College, University at Buffalo, SUNY, and Utica College. Please contact Brendan Manning at bmanning@agcnys.org or at 518-456-1134.

**AGC Members Save on ConsensusDocs**
ConsensusDocs are the only standard contracts written by a coalition of 40+ leading construction
industry organizations, including AGC. AGC Members receive a 20% discount on all ConsensusDocs' products. Simply use "AGC100" when prompted during the checkout process at www.ConsensusDocs.org.

BUILDING

2015 AGC NYS Building Regional Meetings Scheduled for January.
AGC NYS Building Board of Governors Members and Staff are currently working on scheduling several regional meetings for 2015. The first one this year will be held January 28th in Syracuse and feature a cocktail reception and dinner. On January 29th we will be in Rochester for a luncheon. Finally, on January 29th we will be in Buffalo for a cocktail reception dinner. Stay tuned for more details about similar events which will be held around the state. In each location, we will engage in open discussion about issues and concerns of the Membership and the Industry while also discussing what issues AGC NYS is – or should be – working on.

For more information, or to register for the Syracuse Meeting click here.
For more information, or to register for the Rochester Meeting click here.
For more information, or to register for the Buffalo Meeting click here.

Staff Contact: Joe Hogan

Governor Ends Annual Notice of the Wage Theft Prevention Act
Governor Cuomo recently signed bill S.5885-B/A.8106-C, which amends the Wage Theft Prevention Act of 2010. This bill repeals the annual notice and its acknowledgement requirement for employers in New York State, increases employer fines and penalties for wage and hour violations and specifies some actions concerning the department of labor's enforcement of wage and hour laws. It is important to note that businesses are still required to notify employees as required at the time of hire.

While AGC NYS supports the repeal of the annual notice provision, we have some serious concerns about other portions of the legislation as enacted. According to the Governors’ message upon signature of the legislation, he also has concerns but signed the bill anyway based on a promise by the legislature to revisit this legislation. We’ll continue to monitor. Learn more at the NYS DOL's information page found here.

AGC Partners with Industry Stakeholders on Managing Uncertainty and Expectations Report
For contractors, the challenges that emerge due to the uncertainty and imperfection inherent in a complex construction project become evident during the construction phase. More than any other stakeholder, contractors need to be able to effectively manage uncertainty.

The “Managing Uncertainty and Expectations in Building Design and Construction SmartMarket Report” was produced by McGraw Hill Construction in partnership with the AIA Large Firm Roundtable; additional partners include the Associated General Contractors of America, the American Institute of Architects, Autodesk, the Design-Build Institute of America, Graphisoft, and the Lean Construction Institute.

The research on managing project uncertainty and expectations reveals that contractors, owners and architects all recognize that complex construction projects involve uncertainty. It explores the root
causes of the uncertainty faced by contractors, the use of contingencies by owners to address unforeseen issues and strategies for all players to mitigate risk.

The study encompasses input from nearly 3,000 U.S. owners, architects and contractors, as well as commentary from an advisory panel of seven leading owners representing different building types.

To download the full report, click here.

**Latest NYC Building Code Includes Changes to Special Inspections Provisions**

The 2014 NYC Building Codes became effective December 31, 2014. The new Code includes new and updated Special Inspection and Special Inspection Agency (SIA) requirements as noted below.

**Changes under the 2014 Code:** Buildings Bulletin 2014-017 outlines new requirements governing SIAs, including: registration; accreditation; TR1 forms under the 2008 and 2014 Codes; and registration categories under the 2008 and 2014 Codes.

**Registration + Accreditation:** Special Inspection Agencies must register with the Department to perform Class 1, 2 and/or 3 inspections. Agencies are only permitted to perform inspections on projects according to their registered class. See 1 RCNY 101-06 (C)(2)(ii) to identify class structure. Agencies registered to perform Class 1 inspections must be accredited by an approved accrediting body. Learn more and review a list of recognized, approved accrediting bodies.

**Audits:** The Department audits SIAs, and agencies selected for audit must cooperate with auditors and provide requested documentation. See 1 RCNY 101-06 (C)(7) for more information.

**Renewals:** SIA registrations must be renewed every three years — and many registrations will be expiring in 2015. Please check your registration date to determine when you should renew your registration.

**Certification:** Primary inspectors must have the proper certification when performing the following Special Inspections:

- **Welding** — Steel, High-Pressure Steam Piping, High-Pressure Gas Piping, Aluminum: AWS Certified Welding Inspector (AWS-CWI) or ICC Certification as a Structural Welding Inspector (ICCSSWI)
- **Structural Steel** — Erecting, High-Strength Bolting: ICC Certification as a Structural Steel and Bolting Inspector
- **Mechanical Systems** — ICC Certification as a Residential or Commercial Mechanical Inspector (as an option to PE/RA and one year of relevant experience)

**Construction Spending Drops in November as Monthly Public-Sector and Private Nonresidential Declines Offset Private Residential Uptick**

*Monthly Spending Decline Comes as Industry Leaders Begin Push for Action on Needed Federal Infrastructure Programs to Fund Highway, Transit and Clean Water Upgrades; Measures Will Add Stability to Market*
Construction spending edged down in November but outlays for the year remained on track for a modest increase over 2013 totals, according to an analysis by the Associated General Contractors of America.

"Today's figures continue the seesaw pattern that has characterized residential, private nonresidential and public construction throughout 2014," said Ken Simonson, the association's chief economist. "Overall construction spending dipped in November from an upwardly revised October total as residential building advanced but private and public nonresidential spending both retreated."

Construction spending in November totaled $975 billion at a seasonally adjusted annual rate, down 0.3 percent from the October total but 2.4 percent higher than in November 2013, Simonson noted. Private residential spending in November climbed 0.9 percent from October but slipped 0.5 percent from a year earlier, while private nonresidential spending dropped 0.3 percent for the month but rose 4.7 percent year-over-year. The third component of the total-public construction spending—tumbled 1.7 percent from October but was 3.2 percent higher than in November 2013.

"Month-to-month figures tend to fluctuate a lot; in addition, the first estimates are often revised substantially," Simonson added. "Totals that combine several months give a truer picture of underlying trends. In this case the image is more uniformly positive: total spending on all three components increased during the first 11 months of 2014 combined compared with the year-to-date period in 2013. Both the monthly variability and the overall upward trend are likely to continue through much of 2015."

Total spending year-to-date was 5.7 percent above the January-November 2013 total, Simonson said. Private residential spending rose 4.9 percent, while private nonresidential construction increased 10.8 percent. Public outlays for construction grew by 1.1 percent as state and local governments boosted spending by 1.6 percent, more than offsetting a 4.0 percent decline in federal construction expenditures.

**HIGHWAY**

**Specifications Committee Meets Again Next Month**

If you have any particular Spec Issues impacting the industry – please send details now or risk being left with problems unaddressed.

**Recent Engineering Issuances Posted by NYSDOT**

**EB 14-013 Highway Design Manual Revision No 81 - Chapter 8 - Highway Drainage**

Announces the availability of a revised HDM Chapter 8 that incorporates the consideration of polypropylene pipe for culvert and closed drainage system applications.

**EI 14-005 New Standard Specification § 706-08 Polypropylene Pipe and Revision to Standard Specification Section 603- Culverts and Storm Drains**

This EI introduces Standard Specification §706-08 “Corrugated Smooth Interior Polypropylene Pipe.”

**EB 15-001 Fuel, Asphalt & Steel Price Adjustments (January 2015)**
Provides information to be used in computation of progress and final payments for the fuel, asphalt, and steel price adjustment pay items.

**EI 14-020 New York State Traditional Historic Marker Special Specifications**
Issues updated specifications to support the State Historic Marker Program which began in 1926 to commemorate the Sesquicentennial of the American Revolution.

**LEGISLATIVE**

**Governor Vetoes Brownfields Bill Says 2015-16 Executive Budget Will Include Reforms and Funding**
Governor Andrew Cuomo vetoed legislation (Veto Message 578) that would have extended the availability of tax credits under the State's Brownfield Cleanup Program (BCP) to March 31, 2017. It would have also authorized an additional $300 million in bonding authority for the State's Superfund Program through March 31, 2017 and appropriate $100 million for the Superfund Program in the current year.

The Governor’s veto message included the following statement. In my 2015-16 Executive Budget, I will again propose extending the BCP with appropriate reforms and funding Superfund consistent with my prior proposal continuing my unwavering commitment to this program and its goals. The bill was sponsored by former Senator Mark Grisanti and former Assemblyman Bob Sweeney.

**Governor Approves Phase Two of Rochester Schools Modernization Program**
This law (Chapter 533) 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. The bill was sponsored by Senator Robach and Assemblyman Morelle.

**Governor Signs Bill Requiring Carbon Monoxide Detectors in Restaurants/Commercial Buildings in NYC**
This law (Chapter 540) requires the installation of carbon monoxide detecting devices in restaurants and other commercial buildings in New York City. Specifically, Section 27-981.2 of the administrative code of the City of New York is amended to require the installation and maintenance of carbon monoxide detecting device or devices in every building classified in occupancy groups F-1, F-3 and F-4.

**Zeldin and Katko Appointed to House Transportation & Infrastructure Committee**
New York Republicans Lee Zeldin (NY-1) and John Katko (NY-24) were appointed to the House Transportation and Infrastructure Committee. Committee Chairman Bill Schuster (R-PA) said, “The Committee will have a full agenda next year, including reauthorizations of federal surface transportation, aviation, and passenger rail programs.” Zeldin and Katko join New York’s Congressmen Richard Hanna (NY-22), Jerrold Nadler (NY-10), and Sean Patrick Maloney (NY-18) on the Committee.
Scaffold Law Reform Day at the Capitol – February 10, 2015
On Tuesday, February 10th, AGC NYS and advocates from across the state will meet at the state capitol in Albany to urge elected officials to reform the antiquated Scaffold Law. The meeting will take place from 8:30 am – 2 pm in Meeting Room 4 of the Empire State Plaza. To view a flyer for the event click here or go to www.scaffoldlaw.org to register online.

SAFETY

Don’t Forget to Post your OSHA 300A Log
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 (2012). Make sure to post the 300A log in a location that is accessible to all employees. 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 by going to http://www.osha.gov/recordkeeping/new-osha300form1-1-04.pdf. Make sure the log is completed properly and that the log is signed by the owner of the company.

OSHA Rules Regarding the Reporting of Fatalities and Severe Injuries and Illnesses Now in Effect
Effective January 1, 2015, employers must report to OSHA all work-related fatalities as well as all work-related hospitalizations of one or more employees. Fatalities will have to be reported to OSHA within eight hours of the employer learning of them and in-patient hospitalizations, amputations, and eye losses will have to be reported within 24 hours of the employer learning of them.

Only the fatalities that occur within 30 days of the work-related incident are required to be reported. An in-patient hospitalization, amputation, or eye loss will be reportable only if occurring within 24 hours of the work-related incident. In-patient hospitalizations (defined as a formal admission to an in-patient service of a hospital or clinic for care or treatment) are not required to be reported if the reason for admission was for diagnostic testing or observation purposes. Additional information can be obtained by visit www.osha.gov or by contacting AGC NYS.

National AGC Safety Awards Now Open
The National AGC Safety Awards (NASA) program has been an ongoing effort since 1991 to offer AGC members an opportunity to evaluate their safety record. NASA compares an AGC member’s safety record with other AGC members according to the member size and construction type. Additionally, NASA provides a great opportunity for contractor members who have excellent safety records to compete for nationally recognized awards.

Eligibility: AGC contractor members must have participated in the National AGC Safety Awards Program for three consecutive years in order to be eligible for an award. This means a member must have participated in the program for the years 2012, 2013 and 2014 in order to be eligible to receive an award in 2015.

Award Categories: NASA has two award categories, AGC Chapter Safety Awards and AGC Member Awards.
AGC NYS encourages all Members to participate in this program.

For more information or to enter your company for an award, click here to download the program packet.

30 Hour Scheduled for Rochester in February
DATE: - Tuesday-Friday, February 24-27, 2015
TIME: - Tuesday–9-5 p.m. Wed, Thurs, & Friday 8-4:30 p.m.
PLACE: - AGC NYS, LLC Safety Training Center, 1115 East Main Street, 3rd Floor, Suite 7, Rochester
FEE: - $500 per person for AGC NYS Members; $600 for non-members.
Price includes 30 Hour Course Manual, OSHA Standards Book, and lunch.
LEAD TRAINER: - Jim Redmond, AGC NYS Safety Director

This program takes an extensive look at OSHA’s 1926 Construction Safety Standards. Effects of injuries on workers’ compensation and liability insurance are covered and time is spent addressing how to manage OSHA-related issues. Demonstrations, mock-ups and hands-on exercises are utilized to apply material covered.

Workshop sessions are used to present the group with site scenarios and participants are required to develop a plan to address safety hazards that may exist during the course of a construction project.

Click here to register online.