



August 18, 2016

This newsletter is delivered electronically to our Members.

INDUSTRY

AGC NYS, AMENY and ESSA Join Forces to Issue Letter to ESDC

AGC NYS, the Association of Minority Enterprises of New York, and the Empire State Subcontractors Association recently sent a letter to ESDC President & CEO Howard Zemsky to express our grave concerns over several instances of payment issues on ESDC financed projects. In addition to expressing the severe consequences delayed payments can have on contractors, particularly small and minority contractors, the letter called for ESDC to improve the payment systems and processes such that the construction industry can have confidence that they will be paid in a timely manner and that critical economic development projects will advance unimpeded. [To view a copy of the letter, click here.](#)

Reminder: Register Now for the Anthony S. Santaro AGC Scholarship Classic

The registration for the annual Anthony S. Santaro AGC Scholarship Classic has officially opened. The tournament, which will take place on September 20, will be held at the nationally recognized Turning Stone Golf Course. Space is limited and the tournament is expected to sell out quickly so don't miss the chance to register now. [Click here to download a registration form.](#)

AGC NYS graduates 21 from 2016 Future Construction Leaders Program

On Friday evening, August 5 the AGC NYS graduated the 17th class of the Future Construction Leaders of New York State. The registration form for the 2017 program is on the AGC NYS website here (https://www.agcnys.org/files/Education_Training/Future_Leaders/FCLNYS_Flyer_2017.pdf)

This year's graduates are:

Curtis Barkman-BBL Carlton, LLC
Frank Bosco-Consigli Construction Co.
Eric Cagnard-Posillico Civil, Inc
Christian Calabrese-M&W Group
Justin Clark-The Pike Company
Michael Cotsonas-A. Colarusso and Son Inc.
Ashley Delaney-The Wesson Group, LLC
Bryan Disco-BBL Construction, LLC
Dan Fischer-Consigli Construction Co.
Micheal Garn-WM Schultz Construction

Robert Hinman-WM Schultz Construction
Joseph MacFawn-VMJR Companies, LLC
Nick Maryanopolis-M&W Group
Jay McGlone-Posillico Civil, Inc
Bryan McKiernan-Aurora Contractors, Inc.
Patrick Murnane II-Murnane Building Contractors
Julian Schnopp- Turner Construction Company
Jason Socola-LeCesse Construction
Everett Spear-Consigli Construction Co.
Joe Tamburello-BBL Construction, LLC
Eric Weatherwax-BBL Construction, LLC

SAVE THE DATE: AGC of America's 98th Annual Convention coincides with CONEXPO-CON/AGG in Las Vegas, March 7 – 11, 2017

Watch for details in the coming weeks.

AGC Hosts Five-Part Drone WebEd Series

First part set for Sept. 28 at 2:00 p.m. EDT.

Now that the Federal Aviation Administration has finalized its new rules on the commercial use of small drones, construction contractors are taking an even greater interest in these vehicles and whether they can make a significant contribution to the bottom line. [AGC's WebEd Five-Part Drone Series](#) will feature construction contractors already flying drones, and both legal and other experts. It will provide a well-rounded view of what it means to have UAV's working on construction sites, covering performance, regulations, best practices, insurance, risk management, data use and much more. Attendees can register for the full series and save 25% over the cost of signing up for each part separately.

Office of the State Comptroller: Contract Data Search within the New York State VendRep System

If you are doing business with New York State, the New York State VendRep System has a powerful search tool for State agencies and vendors to use to find New York State contract transactions. The Contract Data Search, a prominent feature of the VendRep System, allows enrolled vendors and State agencies to view the status of their contracts under review by the Office of the State Comptroller (OSC).

Benefits of Using the Contract Data Search

- The VendRep System provides vendors with access to their own Contract Data immediately, even before completing a Vendor Responsibility Questionnaire.
- Contract Data is secure. Each vendor can only view its own data.
- There are multiple ways to filter and sort. Vendors can search their own contract transactions which have been submitted by State agencies to OSC.
- Data can be tracked. Vendors can track the progress of each of their New York State contracts submitted to OSC by checking on the status of a transaction - whether it is "In Progress," "Approved," or "Non-Approved."

- **In Progress** refers to contracts that have been forwarded from the contracting agency to OSC.
- **Approved** refers to contracts that have been reviewed and approved by OSC.
- **Non-Approved** contracts are those that have been returned to the contracting agency without the Comptroller's approval.

The Contract Data Search function also has user-friendly features which add value to this tool.

- Data Sorting - Sort by simply clicking the header of a column, including contracting agency name, contract status, document type, etc.
- Pop-up Definitions - A simple click on a term displays the term's definition.

How to Access the VendRep System

NYS contractors/vendors must enroll in the Office of the State Comptroller's (OSC) Online Services to obtain access to the VendRep system. OSC has created a [VendRep System Checklist](#) to ensure that all required steps are complete when enrolling. For additional assistance with enrollment or the Contract Data Search, please contact the OSC Help Desk at 518-408-4672, 866-370-4672 or ITServiceDesk@osc.state.ny.us.

Enrolled vendors can access the VendRep System anytime by visiting <https://portal.osc.state.ny.us/Enrollment/login>.

For training resources, guides and other useful information for State vendors, please visit the Office of the State Comptroller's Vendor Toolbox at <http://www.osc.state.ny.us/vendors/vendorselfservicesystem.htm>.

2016 Jeffrey J. Zogg Build NY Award Applications Now Available

Do you have a project that's been completed over the past two years that stands out above all others? Is that project one that you feel was one of your team's best? Then the 2016 Jeffrey J. Zogg Build New York Award is one that your firm should apply for. Don't hesitate. The 2016 application is now available here. Click here to download a copy.

https://www.agcnys.org/files/Build_NY_Awards/2016_Jeffrey_J_Zogg_Build_NY_Awards_Entry_Form.pdf The deadline is October 7, 2016. Contact Brendan Manning at the AGC NYS with questions at bmanning@agcnys.org.

AGC Project Manager/Engineer Development program begins in Albany October 12

The AGC PMDP program has graduated over 90 individuals from this nationally developed program and features construction industry speakers from New York and around the country. Classes begin on October 12-13 in Albany with *Construction Leadership* and continues into early 2017 with programs on *Estimating and Job Costing*, *Project Administration*, *Contract Administration and Risk Management*. Go to:

https://www.agcnys.org/files/Education_Training/Project_Management/PMDP_2016-2017.pdf for a full course description and registration form. Don't wait, as space is limited. Please contact Brendan Manning at the AGC at bmanning@agcnys.org.

Top College Student Job Fair Scheduled for November 2016 in Albany

The Associated Schools of Construction, Region 1 (Northeast/Atlantic) Student Construction Management Competition and Job Fair will be held in Albany this year after a long run in Fairfield, New Jersey. As part of the overall competition (17 colleges and over 200 students) a Job Fair will be held for firms to meet and greet with the region's top students and receive a copy of their resumes. The fee for a table, resume book and lunch for two is \$2000 (\$2500 after September 23). Click [here](#) to download a brochure. SPACE IS LIMITED!

https://www.agcnys.org/files/Education_Training/ASC_Comp/2016_Brochure.pdf

Reserve your room now for the Construction Industry Conference

Reservations are now open at the Saratoga Hilton for December 6-8, 2016 and this year you may want to book early. The hotel will be undergoing some renovation when we are there so some hotel rooms will not be available. Alternate local hotels have been set up for additional housing and shuttle services will be provided. If you want to stay on-site at the Saratoga Hilton please click here to make your reservations now <https://resweb.passkey.com/go/AGCNYS2016>

AGC Wins Landmark Case on Insurance Coverage for Construction Defects

The New Jersey Supreme Court has just decided a landmark case on commercial general liability (CGL) insurance coverage for construction defects. In the process, it has become the latest court to hold that the CGL policy (sold to AGC members across the United States) does provide significant coverage for such defects. On August 4, the six members of the court unanimously endorsed the majority rule that the policy does cover water and other property damage resulting from unintended and unexpected defects in a subcontractor's workmanship.

This was a major victory for both AGC of America and the Associated Construction Contractors of New Jersey, which had jointly filed a brief *amicus curiae* in the New Jersey Supreme Court in strong support of coverage.

It also marked another turning point in the nationwide debate over CGL coverage for construction defects. The New Jersey Supreme Court not only found coverage for such defects. It also distinguished and severely eroded its 1979 decision in what is widely known as the *Weedo* case, which has long fueled the legal debate over coverage for construction defects.

Within AGC, the decision also underscores the great value of national-chapter collaboration. In conjunction with its chapters in Texas, Florida, Minnesota, Mississippi, Indiana, Arkansas, Georgia, the Carolinas and now New Jersey, AGC of America has now stalled the insurance industry's effect to eliminate all CGL coverage for construction defects.

The name of the New Jersey case is *Cypress Point Condominium Association, Inc. v. Adria Towers, L.L.C.* For more information, contact Michael Kennedy at AGC of America at kennedym@agc.org

Interesting Time-Lapse Video

On August 15th, the Panama Canal celebrated 102 years of being open to traffic and important worldwide trade. In honor of the anniversary, EarthCam shared its latest [time-lapse movie](#), which was released for the opening of a major 5-year expansion project on June 26. From March 2011 to June 2016, EarthCam's construction cameras captured over a terabyte of image data, including high-resolution photos and panoramas. A professional team of time-lapse producers hand-edited the unique

content, showcasing 113,400 hours of progress in just 2.5 minutes, including footage of the inauguration event.

EarthCam is an AGC NYS member. [EarthCam](#) - Webcam Technology Experts

GOVERNMENT AFFAIRS

Governor and Legislators Work to Fix Water Infrastructure Woes

The recent news of PFOA and lead contaminated drinking water, water mains bursting under our streets, and raw sewage seeping into protected waterways has triggered Governor Cuomo and State Legislators to take action to fix this developing health and infrastructure crisis.

Legislation Approved to Require Testing for Lead in Schools

A bill sponsored by Senator Tom O'Mara and Assemblywoman Donna Lupardo (S.8158/A.10740) will make New York the first state in the nation to put a requirement in statute that mandates periodic testing of drinking water in schools, reporting to parents and local and state entities, and provides guidance for remediation to ensure availability of clean and safe drinking water in every school. The state will fund a portion of the testing and remediation costs and will reimburse these costs on an expedited schedule in emergency situations. The Governor is expected to sign this bill into law.

Governor Cuomo Announces Funding For Water Infrastructure Grants

The FY 2017 State Budget includes \$100 million in grants for water infrastructure improvements. This additional funding allowed the Environmental Facilities Corporation to broaden eligibility for wastewater projects and provide a total of \$175 million in grants. In addition, the maximum grant amount for drinking water projects was increased from \$2 million to \$3 million, or 60 percent of eligible projects costs – whichever is less. The projects primarily include the planning, design and construction or enhancement of treatment plants, pump stations, sewer systems and equipment, as well as upgrades and replacements for drinking water systems, filtration plants and water mains. [For a listing of the Governor's water infrastructure announcements click this link.](#)

Senate and Assembly Health and Environmental Conservation Committees Announce Public Hearings on Water Quality and Contamination

Water contamination in communities across the State has highlighted the need for a thorough review of water quality issues. The purpose of these public hearings is to examine water contamination situations and assess the effectiveness and implementation of laws and public policies in protecting water quality and public health. The hearings are scheduled in Albany on Wednesday, September 7 at the Legislative Office Building and in Long Island on Monday, September 12 at the William H. Rogers Building.

AGC and Transportation Construction Coalition Begin August Highway Trust Fund Grassroots Push

Earlier this month, the AGC co-chaired Transportation Construction Coalition (TCC) kicked-off a grassroots effort to remind members of Congress that although they passed a five-year transportation bill last year, their job is not done and the Highway Trust Fund is still in need of a long-term revenue source. Use the August recess to meet with your federal Representative and advocate for a permanent Highway Trust Fund fix to be included in any comprehensive tax reform package. The House Ways

& Means Committee released their blueprint for tax reform several weeks ago, which failed to mention the funding problems with the Highway Trust Fund. The Ways and Means Committee needs to hear our industry's concern about the failure to include a Highway Trust Fund fix in that blueprint. Visit Hardhats for Highways for talking points to help you in your meeting with your federal Representative, along with information on providing comments directly to the Ways & Means Committee about the importance of fixing the Highway Trust Fund. If you are unable to meet in person with your member of Congress, you can send a letter to your representative through our Hardhats for Highways website.

BUILDING

Register Now for the AGC NYS Building Regional Meetings

Central NY, Northern NY and NYC Events all Set

As reported in the last newsletter, AGC NYS Staff and the Building Board of Governors are in the process of planning Building Regional Meetings throughout the State for Fall/Early Winter. The general theme this year will be economic development where we hope, in most regions, to have one or more of the Regional Co-Chairs of the NYS Regional Economic Development Council speak about their economic development outlook for the region and the activities of their Regional Council. Below are some details about those programs we have locked down:

- ***New York City – September 13th – 5:30-7:00PM.*** – For this first event of the effort, we are taking a different, less formal tack to ensure the very sizable NYC Metro Area AGC NYS Membership is being well served. This event will be a reception where we will discuss what AGC NYS is doing. More important, we will want to hear from you about the services, programs and events you would like to see AGC NYS engage in the region. There will also be great deal of networking opportunity. From this jumping off point, look for a series of programs and events over the next 12 months and beyond. We hope to see and hear from as many Members as possible. This sponsored cocktail reception will be held at the Cornell Club.
- ***Northern New York – September 19th, noon-2PM.*** NYS Regional Economic Development Council North Country Co-Chairs Anthony Collins, Ph.D, President, Clarkson University and Garry Douglas, President, North Country Chamber of Commerce will offer their perspective on what is happening with the Council and in the Region and engage in conversation with the Members about what AGC NYS and its' Members can do to help the effort. The luncheon will be held at Ives Hill Country Club in Watertown.
- ***Central New York - September 19th, 6-8:30PM.*** NYS Regional Economic Development Council Central New York Co-Chair Rob Simpson, President of CenterState CEO will offer his perspective on what is happening with the Council and in the Region and engage in conversation with the Members about what AGC NYS and its' Members can do to help the effort. The cocktail reception and dinner will be held at the Sheraton Syracuse University Hotel & Conference Center

- **Rochester – October 25th, noon-2PM.** NYS Regional Economic Development Council Finger Lakes Co-Chair Dr. Anne Kress, President, Monroe Community College, will offer their perspective on what is happening with the Council and in the Region and engage in conversation with the Members about what AGC NYS and its' Members can do to help the effort. This luncheon will be held at the Genesee Valley Club.

Please click here to go to our Calendar Page <https://www.agcnys.org/calendar> so you can register online for any of these meetings. Please click on the location listed below for a registration form for each meeting.

NYC Membership Reception

https://www.agcnys.org/files/00015_bldg_regional_forms/NYC_Building_Meeting.pdf

North Country Building Membership Meeting

https://www.agcnys.org/files/00015_bldg_regional_forms/Watertown_Building_Meeting_1.pdf

Central NY Building Membership Meeting

https://www.agcnys.org/files/00015_bldg_regional_forms/Syracuse_Building_Meeting.pdf

Rochester Building Membership Meeting

https://www.agcnys.org/files/00015_bldg_regional_forms/Rochester_Building_Meeting.pdf

ABI June 2016: Firm Billings Increase at Slower Pace

New Job Opportunities, Rather Than Economic Weakness, Behind Most Voluntary Architectural Staff Turnover

The majority of architecture firms continued to report improving business conditions in June, starting the summer off on a positive note. The Architecture Billings Index (ABI) score for the month was 52.6, indicating moderate billings growth at firms, although the pace of that billings growth declined slightly from May. Firms also reported a modest decline in their average backlog of work, down from approximately 5.8 months to 5.7 months, although backlogs still remain at their highest level in several years. Read more [here](#).

Registration is Open for AGC's 2016 BuildCon

October 18-19, 2016 | Atlanta, GA

Registration is open for AGC of America's premier Building Contractor's event! [BuildCon 2016](#) brings together high-level leaders in the building construction industry to share, learn and discuss the issues that are essential to them and their business.

This year BuildCon co-locates with [BIMForum](#), allowing attendees to interface with Designers, Specialty Contractors, Engineers and Owners to talk about the issues that matter most.

Building Session Highlights Include:

- The Hidden Risks of Design-Assist
- Transforming BIM & Lean into Risk Management
- BIM for Business Development
- Which Standard Form Design-Build Contract is Right for You and Your Project?
- And Much More

[Register now](#) and remember to bring your BIM professionals; this is one event you won't want to miss!

Note – The AGC NYS Building Board of Governors will hold its Fall Meeting in Atlanta on the afternoon of October 17th in conjunction with BuildCon 2016.

HIGHWAY

Highway and Transportation Construction Conference - November 3-5

Registration for the **2016 Highway and Transportation Construction Conference** is open. The conference is Nov. 3-5 in Phoenix, Arizona at the JW Marriott Desert Ridge Resort. This year's meeting will feature a host of excellent speakers who will address timely topics that will impact your business now and into the future. [Read More](#) →

Balloon Lighting Being Researched by DOT

With night-lighting conversations ongoing between industry and DOT, the Department invited Powermoon LED to show off their balloon lighting technology last week. Local AGC member firms also attended the evening demonstration.

On display, were three different balloon lights, varying in wattage, on three different mounting systems - two tripods with mounting heights of 10ft and 15ft; and the Slider system, which is a water filled base with a telescoping mast, an interesting system more commonly used in Germany, according to the representative. Power to the different systems was supplied from a small generator or car battery.

NYSDOT is exploring the use of balloon lighting systems, with benefits that include low glare, diffuse light, which means less intense shadows, and portability. The Specifications committee will continue in conversation as DOT engineers work out the details.

Partnering is Essential

AGC of America is cooperating with FHWA and Nevada DOT in organizing a conference on *“Innovative & Effective Partnering Practices”* - September 26-28 in Reno, Nevada.

Contractors from across the country are encouraged to participate in the Conference with a goal to highlight the benefits of partnering for reviving and enhancing its use around the nation.

Follow this link for registration and other information:

<http://www.fhwa.dot.gov/infrastructure/events.cfm>

NYSDOT Capital Program “Green Book” now available

The Green Book for the period April 1, 2016 – March 31, 2017 has been posted to the NYSDOT website. Please click here to connect to the NYSDOT site, <https://www.dot.ny.gov/bids-and-lettings/construction-contractors/proposed-contract-letting-program>. If you would like to view a pdf of the document please click here. https://www.agcnys.org/files/GREENBOOK_APR2016.pdf

SAFETY

20,642 New Regulations Added in the Obama Presidency – Including Many New OSHA Rules and Regulations

Over the past eight years of the Obama Presidency, the federal government has increased the number of new rules and regulations by more than 20,642 on various industries. Included in that figure are the numerous and burdensome rules and regulations drafted by OSHA in recent years. AGC of America and AGC NYS have worked hard to ensure that as new rules and regulations are drafted by OSHA, that we provide constructive comments on how proposals will impact the construction industry while protecting worker safety. To read more on the numerous regulations added over the past eight years, [click here](#).

AROUND THE STATE

Joe was in Elmira to meet with key State Legislators, AGC NYS Members along with a group of subcontractors and suppliers to discuss issues surround MWBE requirements.