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Newsletters



Newsletter for October 11-25, 2012

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Construction Industry News

[AGC NYS Construction Industry Conference XXVI](#)

Mark your Calendars: December 4 though 6 in Saratoga Springs

Acronyms abound—P3, CMGC, CPM, JV's

Register today for this year's three-day Construction Industry Conference. We have over **2 dozen workshops** planned to address issues such as Change Order Management, 4D Modeling and Brownfield Development. In addition to NYS DOL, NYS DEC, NYS DOT and the Thruway Authority, presenters hail from Falls Management Institute (FMI), MTA, and AGC of America. **Safety** topics are always part of the event – fall protection, rigging principals and workers comp control.

On **Tuesday**, we have **training for certificates** in SPDES, HMA Density Testing and Work Zones. The highlight of the opening day is the presentation of the **Jeffrey J Zogg Build New York Awards ceremony and reception**. **Wednesday's keynote** is Eric Giguere – The Buried Truth Uncovered; followed by workshops and an **expanded Trade Show** with more booth space and a **Technology Showcase** section.

Former Pataki Communications Director, David Catafamo, and ENR Award of Excellence recipient Ted Zoli are two of the **featured speakers** on **Thursday**. Returning this year, **Partnering Awards** recipients will be announced.

Download your registration [form by clicking here](#):**Staff Contact: Karen Morrison**[Back to top:↑](#)

[Volunteers Needed](#)

Please consider serving as a moderator for a workshop or two at the upcoming Construction Industry Conference—December 4, 5 and 6 in Saratoga Springs. Duties are simple and instructions will be provided.

Contact Karen Morrison if you would like to volunteer at (518) 456-1134.

Staff Contact: Karen Morrison[Back to top:↑](#)

NEWS, ARTICLES & ALERTS

[Registration Now Open for the 26th Annual Construction Industry Conference](#)

[AGC NYS Announces 2012 Build NY Award Winners](#)

[AUDIO: President Obama 'Encourage Natural Gas Production'](#)

[VIEW ALL](#)

Advertising Opportunities

Interested in advertising with AGC NYS, LLC? [Click here to download the 2012 Advertising Kit](#). You'll find valuable information about advertising with New York State's largest contractor association. Download the most recent edition of the Cornerstone magazine.

[2012 Advertising Kit](#)
[New Sponsor-Level Advertising](#)
[2012 Cornerstone Magazine](#)
[2012 Member Directory - SOLD OUT](#)
[New: Online Advertising](#)

[Join Us at the Shale Gas Rally Monday, October 15th](#)

AGC NYS is joining hundreds of natural gas development supporters for a rally at the State Capitol on Monday, October 15 from 11:00 am to 1:30 pm.

The construction industry needs strong representation at the October 15th rally and we are urging you and your employees to participate. Wear your hard hats, bring your work trucks and march proudly alongside hundreds of New Yorker's that support hydraulic fracturing.

The rally starts at 11:00 am at the Corning Preserve Amphitheatre and at 12:30 pm the march to the Capitol begins. Meet at the AGC banner. For additional information, please call Walter Pacholczak at 518.456.1134 (o) or 518.944.4852 (m).

Natural gas is good for business, jobs and the environment. Join us on October 15th.

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[Register for the OSHA 30 Hour](#)

Date: December 11 - December 14 — 8am - 4pm

Location: Training Center 1115 East Main Street, 3rd Floor, Suite 7, Rochester

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.

Instructors will include AGC NYS Staff and guest speakers, including:

Emmitt McDevitt, Federal Highway Administration (FHWA) – Manual of Uniform Traffic Control Devices (MUTCD)

Rich Monroe, Genesee Valley BOCES, Master Electrician – Electrical Hazards in the Construction Industry

Don Ross, Call before you Dig

Joe Davis, formerly with Jackson Welding Supply – Welding & Torching Techniques

This program is a comprehensive study of construction safety and will benefit anyone from owners to laborers.

OSHA 30 Hour cards are distributed to participants who complete the program. Price includes 30 Hour Course binder, 29 CFR 1926 Standard, breakfast and lunch.

[Please click here for Registration Information.](#)

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[NYSDEC Letting Opportunities](#)

Drawings, specifications and proposal forms may be inspected or purchased for a non-refundable fee of \$25.00 from the Bureau of Design & Construction, 625 Broadway, 3rd Floor, Albany, NY 12233-5252. Individual checks for each project shall be made payable to the New York State Department of Environmental Conservation.

All correspondence and/or questions relating to this IFB should be directed to the Department's designated contacts listed below:

Warren A. Longacker, Project Engineer

Shaji Kanara, Project Electrical Engineer

Andrew J. Niles, Design Supervisor

Thomas Miller, Chief, Bureau of Design & Construction

[D008818 Mossy Point Boat Launch Flush Toilet Conversion, Ticonderoga, Essex County, NY](#)

Sealed proposals will be received by the New York State Department of Environmental Conservation, Bureau of Procurement and Expenditure Services, 625 Broadway, 10th Floor, Albany, NY 12233-5027, until 11:00 a.m. on October 24, 2012.

[D008819 Sacandaga Campground Sand Filter Bed Rehab](#)

Sealed proposals will be received by the New York State Department of Environmental Conservation, Bureau of Procurement and Expenditure Services, 625 Broadway, 10th Floor, Albany, NY 12233-5027, until 11:00 a.m. on October 24, 2012.

[D008817 Ray Brook Energy Improvements, North Elba, Essex County, NY](#)

Sealed proposals will be received by the New York State Department of Environmental Conservation, Bureau of Procurement and Expenditure Services, 625 Broadway, 10th Floor, Albany, NY 12233-5027, until 11:00 a.m. on October 31, 2012.

Staff Contact: Karen Morrison

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2012 Safety Excellence Award Applications Now Being Accepted

The AGC NYS Safety Excellence Award is given for excellent safety and loss prevention programs achieved through commitment, training and innovation by AGC Members. Deadline for submittal is Friday, October 26, 2012. For a copy of the application and details about the award [process please click here](#).

Staff Contact: Dennis Kiefer

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2012 Excellence in Partnering Application Now Available

The AGC NYS is soliciting applications for the annual **Excellence in Partnering Awards**. The competition is open to those construction projects that best exemplify the basic principles of partnering - **integrity, teamwork, commitment and equity**.

If you know of a project that embodies these principles and has made effective use of the partnering concept, please encourage submittal of an application to The Judges. [Please click here for the application and criteria](#).

Staff Contact: Dennis Kiefer

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Scam Invoice Suspect Arrested & Indicted

Suspect allegedly been scamming businesses since 2008

After years of warnings and clarifications, AGC of America is happy to announce that authorities have arrested a suspect who allegedly scammed some of our members with phony fax invoices. Unfortunately, it appears to have been quite profitable for him, until now. According to the [Boston Business Journal](#), a grand jury has indicted Darren Stokes, 41, accused of using phony invoices to scam businesses across the country out of about \$150,000.

"[Stokes] allegedly began sending invoices for annual dues and other fees to businesses in 2008. He would send the invoices, which purported to come from business and trade associations, by fax. He faces seven counts of wire fraud and eight counts of mail fraud. He was charged by the U.S. Attorney's office and the U.S. Postal Inspection Service. He was indicted last week at U.S. District Court in Boston," the journal reported.

For an example of the faxes sent to AGC members, [click here](#). You may also link to the full Boston Business Journal [article about it](#) and a [press release](#) from the U.S. Attorneys' Office. For more information please contact Elisa Brewer Pratt at brewere@agc.org.

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USDOT Proposes Stringent Changes to DBE Program

YOUR INPUT IS IMPORTANT: Comments due in three weeks.

The US Department of Transportation (DOT) on September 6, 2012 issued a [Notice of Proposed Rulemaking](#) asking for comment on significant changes it is proposing in its Disadvantaged Business Enterprise (DBE) rules. Comments are due by November 5, 2012. The proposal suggests a series of changes in the bidding process, counting DBE participation and documenting good faith efforts for compliance. The proposed rule also would tighten down on the certification process that determines whether or not a firm qualifies as a DBE.

AGC NYS and AGC of America will submit comments, but, your individual comments are also needed. A summary of the changes can be found at the following link: https://www.agcnys.org/files/AGC_DBE_Summary.pdf

Staff Contact: Karen Morrison

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2012 Membership Directory

The latest edition of our Directory is in the mail to you. This handy reference is a valuable tool for your staff. It contains contact information for members and various state agencies and public partner contact information. New this year is the Professional Support Service section so you can easily connect with firms who are AGC Members to assist you with a variety of industry and business issues. Please contact us (518) 456-1134 and let us know if need additional copies for your staff.

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2013 Winter Meeting (REGISTRATION OPEN)

Registration information is now available for our 2013 Winter Meeting to be held in Grand Cayman, January 25-30, 2013. We will be staying at the newly renovated Westin Casuarina Resort and Spa on the spectacular Seven Mile Beach. All rooms in our block will have an ocean view.

This Meeting is a great opportunity to connect with your fellow members and discuss industry and AGC NYS issues in a relaxed setting. Several Committees will meet during the week and we will elect our new Leadership for 2013.

If you require suite pricing please contact us as soon as possible as there are only a select number of suites available. Please [click here for more information on this year's Winter Meeting](#). If you have questions or specific needs please contact Cathy Newell via email at cnewell@agcnys.org or by phone at 518-456-1134.

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Government Affairs

Mass Withdrawal of Construction Liability Writers in NY Traced Back to Scaffold Law

New York is plagued by high premiums and the flight from the state by construction liability insurers due in part to a law that's been on the books in the state since 1885, experts said.

Under section 240 of the state's labor law, also called the New York "scaffold law," any worker who falls and is injured is not only eligible to receive workers' compensation benefits, but also can sue the developer or owner, who is considered liable even if the worker was at fault.

"There are very few defenses. It is basically bring your check book," said Maureen Caviston, president of Partners Specialty Group and a former NAPSLO president. "You can rectify some of the problem with risk management, contracts and risk transfer, but in the five boroughs, the legal environment is very difficult for insurers," she said during a Best's Review webinar on surplus lines.

It's resulted in a "massive withdrawal of underwriters" from the New York construction liability market, said David Bresnahan, president of Lexington Insurance Co. And as a result, general liability premiums in New York, especially New York City, are among the highest in the nation.

"It's a tough market," said Gary Henning of the American Insurance Association's Albany office. Construction contractors, especially those working on bridges, are impacted by the law, but so are home builders.

The scaffold law was enacted long before the Occupational Safety and Health Administration and workers' compensation programs were enacted to protect injured workers. "Back in the 1880s, the rationale for the law made sense," Henning said. "It was an extra standard of care for the workers, and the absolute liability from falls from heights."

But with the advent of workers' comp, which compensates injured employees for both lost wages and medical expenses, the scaffold law is no longer necessary, he said. "It's now an outdated law," Henning said.

Illinois had an almost identical law until it was repealed in 1995. Five years later, the number of construction jobs had risen 25% and construction fatalities had dropped by 30% in Illinois, according to scaffoldlaw.org, a project of the Lawsuit Reform Alliance of New York.

"New York is the only state in the nation with a scaffold law on the books, making employers absolutely liable when a worker is hurt on a job site. It doesn't matter if the worker is drunk, high or not using the safety equipment provided to them? the employer is completely responsible for the injury," said Ellen Melchionni, president of the New York Insurance Association.

"Frivolous lawsuits are out of control in New York and need to be reined in. Reforming or ideally repealing the scaffold law would be a great start," she said.

Republican New York state Sen. Patrick M. Gallivan and Assemblyman Joseph Morelle sponsored legislation to repeal the law earlier this year, but the bills never gained traction.

"I guarantee this will come up again; it has every year," said Matthew F. Guilbault, director of government and industry affairs for the Professional Insurance Agents of NY, NJ, NH and CT.

Ten years ago, the average liability loss costs in New York City were 500% higher than the loss costs in seven other states: Pennsylvania, Virginia, Georgia, South Carolina, Ohio, Massachusetts and North Carolina combined, according to a study by the AIA. For New York state, outside of New York City, the loss costs averaged 232% more than the other states. The study indicated the only difference between New York and the other states was the Scaffold Law, which accounted for one third of the cost differentials (Best's Review, July 2003).

But tort reform in New York is a difficult battle because the "plaintiffs' bar is a very influential interest group in New York," Henning said. "They will fight tooth and nail to preserve this law."

The scaffold law is not just an issue for insurers. Taxpayers have to pay more for public projects due to increased liability insurance costs, and the scaffold law adds \$10,000 to the cost to build a new home.

The Lawsuit Reform Alliance of New York estimates the scaffold law is responsible for about \$100 million in additional liability costs for the Tappan Zee Bridge replacement project, a \$5.2 billion project that received federal approval earlier this week.

"Taxpayers, homeowners, businesses all pay extra because of this outdated law that isn't going to be changed because it's a gravy train for the plaintiffs' bar," Henning said.

(By Meg Green, senior associate editor, BestWeek: Meg.Green@ambest.com)

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Help Wanted. AGC America PAC Chapter Board Contest

Bill Gaetano, Gaetano Construction, is the Northeast Region Chair of the AGC America Political Action Committee. Bill is working hard to raise funds for the AGC America PAC Chapter Board Contest – Victory 2012 “Each One, Reach One.” He needs your help to raise a minimum of \$40,000 for the AGC America PAC.

Many of us have evidenced the great work AGC America is doing for us in Washington D.C. like eliminating the 3% withholding tax and repealing the onerous 1099 filing requirement for all business-to-business transactions for services and goods equaling \$600 or more a year. These victories don't happen without a strong political action committee.

Please contact Bill at 315.733.4611 to help him meet our goal.

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Hanna, A Real Construction Industry Advocate



James O'Brien Jr., of Bothar Construction is seen pictured with Rep. Richard Hanna (center) and Jay O'Brien (right) at a recent site visit in Binghamton, NY.

Highway News

Industry Conference Highlighted Workshop: CM-GC a Horizontal Option?

Wednesday December 5, 3:15 pm

Presented by: Douglas D. Gransberg, PhD, PE

Professor and Donald and Sharon Greenwood Chair of Construction Engineering
Iowa State University

CMGC (Construction Manager/General Contractor) is a construction delivery method which allows an owner to engage the contractor, who may ultimately also build the project, during design to provide constructability input and assistance in evaluating costs, schedule, and methods and materials. The FHWA's Every Day Counts program encourages state DOTs to utilize this method to accelerate the delivery of road and bridge projects. Investigate how this option could work on public projects in New York State.

Staff Contact: Karen Morrison

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Regions 4 and 5 - Re-Packaged Accelerated Bridge Contracts

Designers Selected Sep 10, 2012

Bid format: Lump Sum

Lettings anticipated Feb 28, 2013

Contract 8 – Region 4 Bridge Record Information is posted at:

<https://www.dot.ny.gov/main/business-center/ABPphase1/phase1a/contract8>

Contract 9 – Region 5 Bridge Record Information is posted at:

<https://www.dot.ny.gov/main/business-center/ABPphase1/phase1a/contract9>

Staff Contact: Karen Morrison

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Submittals to DOT Structures

NYS DOT provided the following in response to our request:

Per the Standard Specification, all submittals should be transmitted to the Engineer (EIC). With the EIC's concurrence the Contractor may simultaneously submit directly to the Office of Structures.

For items requiring DCES approval the concurrent submittal should be made to the attention of the following staff:

Steel Items - Norbert Luft, Metals Engineering Unit

Concrete Items - Michael Twiss, Concrete Engineering Unit

All other bridge construction items - John Neidhart, Structures Construction Support & Bridge Foundations Unit

Address:

NYS DOT

Office of Structures, POD 4-2

50 Wolf Road

Albany NY 12232

Attn: _(insert appropriate name)

Staff Contact: Karen Morrison

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NY WORKS and NYSDEC

NYSDEC has been tasked with putting \$101 million of NY Works dam, flood control and coastal erosion projects out to bid. As we understand it, these projects will be let through DASNY and OGS, who are also assisting with the design. Design will be completed this winter for summer construction. DEC will be presenting a **workshop at the Construction Industry Conference** to describe how the process will work and the intended scope of the work.

Staff Contact: Karen Morrison

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NYS DOT Issues Engineering Bulletins

EB 12-036 685 Series Pavement Markings Standard Sheet Revisions

This update to the 685 series Standard Sheets, US Customary and Metric, is necessary to bring the details on the Sheets into conformance with the 2009 MUTCD and 2010 NYS Supplement to the MUTCD.

https://www.dot.ny.gov/portal/pls/portal/mexis_app.pa_ei_eb_admin_app.show_pdf?id=11091

Effective with the Letting of: 5/02/2013

EB 12-039 Index Prices For Use With Quality Adjustment Items

Supersedes: EB 11-033

https://www.dot.ny.gov/portal/pls/portal/mexis_app.pa_ei_eb_admin_app.show_pdf?id=11086

Effective with the Letting of: 1/10/2013

Staff Contact: Karen Morrison

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AGC NYS Member Being Honored by ASCE

Congratulations to Bob Alger of Lane Construction Corp.

Five individuals are being honored in ASCE's Outstanding Projects and Leaders (OPAL) program for their lifetime achievements. The OPAL Lifetime Achievement Award is given to civil engineers who "represent a model of achievement to which future generations of engineers aspire to match or exceed."

The lifetime achievement honorees are Robert E. Alger, P.E., Dist.M.ASCE, for construction; Charles C. Ladd III, Sc.D., P.E., Dist.M.ASCE, for education; Michael K. Loose, P.E., M.ASCE, for management; Merdith W.B. "Bo" Temple, P.E., M.ASCE, for government; and Charles H. Thornton, Ph.D., P.E., Hon.M.ASCE, for design.

ROBERT E. ALGER, P.E., the president and chief executive officer of the **Lane Construction Corporation**, of Cheshire, Connecticut, is honored for sustained contributions in the area of construction. Alger obtained a bachelor's degree in civil engineering from Pennsylvania State University and began his career with Lane in 1979 as an engineer working on a dam project in Dallas. By 1996 he had moved from project manager in the field to the corporate office and become a vice president of the firm. Under his leadership company revenues have grown from \$360 million to more than \$1.2 billion in 2012, and Lane is included in *Engineering News-Record's* "Top 400 Contractors" list. In addition to revenues, the firm has grown in geographic influence and now has field offices in 15 states and the District of Columbia, and it has gained a reputation for on-time performance, strong client relations, and safe, quality work. The firm's expertise is such that it is able to undertake such large, complex endeavors as the \$1.5-billion project for high-occupancy lanes on Interstate 495 (the "Capital Beltway"); a runway at Washington Dulles International Airport, in Sterling, Virginia; and the demolition and repaving of Daytona International Speedway, in Daytona Beach, Florida. Alger served as president of ASCE's Construction Institute in 2004 and has been a president of the Moles, a board member of the Beavers, an officer of the Construction Industry Round Table, a member of Penn State's Industry and Professional Advisory Council, and a member of the Columbus Citizens Foundation. In 2006 Penn State honored him with its Outstanding Engineering Alumni Award.

Staff Contact: Karen Morrison

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Federal Highway Administration (FHWA) Invites AGC Members to Participate

Summits have been scheduled to promote Round Two of the Every Day Counts initiative. It is important to have construction industry participation. The meeting schedule, agenda and registration information for our Region are included in the following link:

Summit 7 –Monday & Tuesday, December 10 – 11 Providence, Rhode Island (#7)

www.f2events.ce.ufl.edu/edcrhodeisland

Staff Contact: Karen Morrison

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Building News

Federal Report Indicates Construction to be one of Best-Paying Jobs Through 2020

According to a report from the U.S. Bureau of Labor Statistics, employment in construction will be one of the best-paying jobs through 2020, along with health care and social assistance, scientific and technical services, waste management, and transportation. The report projects that approximately 1.8 million jobs will be created by a construction boom across the country. It also states that manufacturing jobs will continue to decline sharply, while job growth in media, farming, fishing and business management will be stagnant. Read the complete article [here](#). (Taken to third party website.)

Staff Contact: Joe Hogan

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Record Number of New ConsensusDocs Users as Coalition Hits Five-Year Milestone

New users subscribing to ConsensusDocs set record high numbers as the standard contract document coalition completed its first five years of operation. The coalition, first established in 2007, said it expects to see continued growth in sales as construction activity begins to pick back up after a years-long decline.

"As the market improves and the positive experience people have using our documents expands, demand continues to grow," said Brian Perlberg, executive director of ConsensusDocs. "We've made a real impact on the design and construction market by writing fairer contracts that generate better project results rather than more case law."

Perlberg noted that the coalition's 2012 summer sales increased by 14 percent compared to the previous summer, setting a new record. He added that and ConsensusDocs now has over 4,700 unique subscribers, an increase of more than 95 percent compared to five years ago. The coalition now includes 38 leading design and construction industry associations, a more than 80 percent increase since 2007.

Perlberg also noted that in just five years ConsensusDocs has become a leader in providing standard contract documents that allocate risk in a fair manner. Additionally, an entirely new technology platform that is Word-compatible and document management version control was recently released.

Consensusdocs are the only consensus standard contracts written by a unique coalition of 38 design and construction industry associations. ConsensusDocs remains committed to keeping a project-first philosophy mission with contracts that are written in plain English, incorporate best practices, and address emerging trends.

AGC members receive a 20 percent discount on all ConsensusDOCS products. Simply use Discount Code "AGC100" when prompted during the purchase process at www.ConsensusDocs.org.

Staff Contact: [Joe Hogan](#)

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Safety News

AGC NYS, LLC - Safety Products and Publications

AGC NYS has many safety products to help keep your jobsite compliant and inform workers of safety practices and procedures. To view the many resources available to you, visit the AGC NYS Bookstore by clicking here.

For more information on Safety Services or specific training needs please contact Jim Redmond if you are located in Syracuse 585-370-1853 or west or Dennis Kiefer if you are East of Syracuse or Downstate 518-456-1134.

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Education and Training

Nominations Now Being Accepted for Future Construction Leaders Program

The AGC of NYS proudly presents a program designed to assist members in developing future construction company managers and leaders. The Future Construction Leaders of New York State (FCLNYS) program will help teach the issues involved in managing a construction business in New York State. Attendees will have an opportunity to learn, in a structured environment, what they might otherwise spend years learning from personal experience.

Nominations are now being accepted. To learn more about the program and to nominate a Future Construction Leader, [please click here](#).

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Staff Contact: [Brendan Manning](#)

REGISTER AGC BIM Unit 3 - BIM Contract Negotiation and Risk Allocation - NYC

Date: October 22 — 7:30 a.m. registration and 8:00 a.m. - 5 p.m. program

Location: Cornell Club - 6 East 44th Street, NY, NY

BIM Contract Negotiation and Risk Allocation is a full-day (8-hour) course that examines BIM and contract terminology to determine best practices for integrating BIM into project contracts. Hot-button issues such as standard of care, intellectual property rights, and insurance and surety bonding coverage are discussed to help participants successfully prepare for BIM implementation.

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Staff Contact: [Brendan Manning](#)



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Sep 26, 2012

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