



**September 1, 2016**

This newsletter is delivered electronically to our Members.

## **INDUSTRY**

### **One Supplier's MBE Certification Codes Greatly Reduced**

We receive a copy of a notification that a well-known and oft-used supplier on building projects has had his certification changed significantly relative to the materials he can sell within his MBE Certification. As such, firms making efforts to achieve their goals using this firm will only be able to count the purchase of a much limited list of materials. Our information, belief and hope is that this will be prospective and not impact current projects but it is something that bears watching. It also appears that there may be more of this to come. [Click here](#) for a copy of the letter from the supplier and corresponding letter from the Division of Minority and Women's Business Development at ESDC. If you learn of other such instances, please pass the information along.

### **DBE and MWBE Certified Firm Listings and Changes**

A search of the two relevant directories of certified D/MWBE firms is the starting point of any solicitation. BE AWARE that these directories' listings are updated continuously and therefore a search should be performed as close to your utilization plan submittal as possible to verify the status of any potential subs or suppliers. The ability to fully count a certain participant will hinge upon the content in the database at any given time.

The two directories are found at these website links:

DBE (federal) Program: <https://nysucp.newnycontracts.com/>

MWBE (state) Program:

<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?XID=2235&TN=ny>

### **AGC of America Releases Construction Workforce Shortage Survey Results**

AGC of America released the results of its Construction Workforce Shortage Survey on Wednesday, August 31. In addition to the workforce data, they also released the [July metro construction employment data](#).

All of the workforce materials, including the survey results (including national, regional and some state data), analysis of those results and AGC's Workforce Development Plan, can be found [here](#).

### **Last Chance – Limited Spots Remain: Register for the Anthony S. Santaro AGC Scholarship Golf 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.

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

Watch for details in the coming weeks.

### **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. The deadline is October 7, 2016. Contact Brendan Manning at the AGC NYS with questions at [bmanning@agcnys.org](mailto:bmanning@agcnys.org).

### **AGC Supervisory Training Program scheduled in Rochester and NYC**

STP classes are scheduled to restart in NYC on September 20 with *Improving Productivity and Managing Project Costs* and in Rochester on October 5 with *Contract Documents*. The Albany, Syracuse and Buffalo program dates should be announced shortly. The STP Program was specifically developed training for tradesmen and tradeswomen, foreman and superintendents, but can also benefit new project engineers. [Click here](#) to download the NYC STP flyer. [Click here](#) to download the Rochester flyer.

### **2016 CLC Leadership Development Conference - for Emerging Leaders**

*October 27-29, 2016 | Atlanta, GA*

The **Construction Leadership Council Leadership Development Conference** is focused on sharing best practices, learning from each other's experiences, exploring challenges and solutions, and encouraging an open dialogue. There are also numerous networking opportunities. Register by **September 1, 2016** to take advantage of the early bird rate for this premier event for young professionals in the construction industry! This is one of the few industry events that exist for up and coming construction professionals so don't miss it! Speaking of, due to popular demand, our hotel block at the Hyatt Regency in Atlanta is **SOLD OUT!** To accommodate record registration we have secured another hotel block at the **Marriott Marquis** which is adjoined to our conference site, the Hyatt. To make reservations at the Marriott Marquis, **book online** and receive an immediate confirmation or call the central reservation line at 1-866-469-5475 and mention the "AGC 2016 CLC LDC" to receive the discounted rate.

### **AGC Soliciting Chapter Input on Workforce Investment Boards**

The Workforce Investment and Opportunity Act (WIOA), which replaced the Workforce Investment Act, took effect last year. The Act is intended to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with skilled workers. These objectives are largely implemented through Workforce Investment Boards (WIBs), which are organized at both the state and local levels. AGC of America is looking at the potential for WIBs as tools for addressing the construction industry's workforce needs. WIBs have been around for a while and we are trying to determine what involvement AGC chapters or contractors have had with them and whether they have been effective. **Please take a few minutes to complete our [survey](#) about your experience in working with a state or local WIB.**

## **Early Bird Registration Opens for AGC Financial Issues Winter Meeting**

*January 10-11, 2017 | Miami, FL*

The AGC **Financial Issues Committee** (FIC) Winter Meeting will be held January 10-11, 2017 at Trump National Doral Miami. The Committee is geared toward member company CFOs, Controllers, Tax Directors and other senior accounting professionals – in which attendees have an opportunity to learn as well as formulate positions on tax and accounting matters that directly affect AGC member companies. Meetings center around discussions with FASB, practitioners, and financial officer breakout groups on topics including internal controls, project performance reviews and cybersecurity solutions. Attendees also have an opportunity to network and discuss a wide variety of topics, including: audit issues faced by construction companies; congressional action on tax policy; and an economic outlook for the industry. Attendees can **register now** and save with the early bird registration rate through September 30.

## **What Construction Companies Need to Know About the Contentious New “Blacklisting Rule”**

Construction Drive recently published a throughout article outlining the implementation of the new federal blacklisting rules. To read the article, which includes comment from AGC of America, [click here](#).

## **BUILDING**

### **Erie County Responds Positively to Recent Spec Review**

AGC NYS recently authored a short spec review relative to an Erie County Project – Buffalo & Erie Public Library 2016 Auditorium Renovations Phase I. The review only focused on one issue, coordination responsibility being passed to the contractor for general construction on a multi prime project. You can view a copy of our letter by [clicking here](#). By and large, the responses we look most for are the addenda changing the documents. In this case, we had seen such an addendum issued but we also received a letter advising us of the change. We are very appreciative of such a letter and thought we should pass it along. [Click here](#) to view a copy of the letter.

### **Register Now for the AGC NYS Building Regional Meetings**

***Central NY, Northern NY, Rochester 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 19<sup>th</sup>, 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 19<sup>th</sup>, 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 25<sup>th</sup>, 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 go to our Calendar Page <https://www.agcnys.org/calendar> to register online for any of these meetings. Please click on the location listed below, for a registration form for each meeting.

[NYC Membership Reception](#)

[North Country Building Membership Meeting](#)

[Central NY Building Membership Meeting](#)

[Rochester Building Membership Meeting](#)

### **Don't Miss Out: Registration Now 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 17<sup>th</sup> in conjunction with BuildCon 2016.**

## **HIGHWAY**

### **Former DOT Secretary Peters to Address Highway and Transportation Construction Conference**

*November 3-5 / JW Marriott Desert Ridge Resort / Phoenix, Arizona*

*FYI - Jeff DiStefano is the chair of this AGC division this year. AGC NYS President & CEO Mike Elmendorf will also be on the panel with Secretary Peters to discuss the recent funding efforts.*

*Lots to learn – don't miss the opportunity.*

Mary Peters, Secretary of Transportation under the Bush Administration, is one of many outstanding speakers who will address the **2016 Highway and Transportation Construction Conference** (formerly the Highway Contractors Conference). Secretary Peters will discuss "Transportation Future: Where is Transportation Heading, How will the Infrastructure be Funded" which will lead to a discussion about how the federal Highway Trust Fund should be fixed moving forward. [Read More](#) ➔

### **SAVE THE DATES: AGC NYS Fall Highway Membership Meetings**

October 4 – Region 9 Breakfast – Binghamton

October 12 – Region 7 Dinner – Watertown

October 13 – Region 3 Dinner – Syracuse

November 9 – Region 5 Dinner - Buffalo

Look for registration details soon.

### **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.

### **Budget Prediction Underscores Need to Fix Highway Trust Fund**

Last week, the Congressional Budget Office (CBO) released its annual midyear update of its budget and economic forecasts. Overall the CBO report continues to project growing federal deficits over the next ten years with discretionary spending being squeezed by spending on mandatory programs (social security and healthcare) and paying interest on the national debt. CBO also projects a drop in projected Highway Trust Fund excise tax revenue of \$1.4 billion over the period of the FAST Act (fiscal 2016-2020) due largely to estimated truck purchases and the usage tax on heavy trucks.

## **SAFETY**

### **Is Your Company Gearing Up for OSHA's Electronic Reporting Rule?**

OSHA's new reporting rules take effect in two phases – November 1, 2016 and January 1, 2017. Employers will be required to electronically submit their injury and illness reporting forms and establish a “reasonable procedure” for employees to report injuries and illnesses promptly and accurately. Employers will also have to establish procedures to ensure retaliation against employees who report injuries and illnesses does not occur.

As of November 1, 2016, employers must have safety policies that provide a “reasonable procedure” for employees to report any work-related injuries and illnesses. Employers are prohibited to deter or discourage an employee from reporting an injury or illness and there are restrictions pertaining to disciplinary action or drug testing after an injury or illness occurs. Incentive programs that reward employees who do not have a work-related injury or illness, may be deemed to discourage employee reporting and therefore violate the OSHA rules.

OSHA requires employers to inform their employees of their right to report injuries and illnesses that occur at the workplace. All employees must be informed that they have the right to report work-related injuries and illnesses and that they will not be discriminated or retaliating against for making such reports.

This rule includes expanded whistleblower provisions that also become effective November 1, 2016. Under the revised rules, OSHA can cite employers for retaliation even when the employee does not file a complaint. The expanded whistleblower protections provided in this standard may result in an increase of OSHA citations where employees who may have violated safety rules are disciplined. The Secretary has essentially handcuffed employers from executing their safety program and AGC NYS expect employees may exploit this provision to gain leverage if disciplined or terminated for safety issues or poor performance.

Effective January 1, 2017, employers with 20-249 employees in the construction industry must submit their data on Form 300A by July 1 in 2017 and 2018 and by March 2 in 2019 and subsequent years. Employers with 250 or more employees that are subject to OSHA's recordkeeping regulations must submit its 2016 injury and illness recordkeeping Form 300A by July 1, 2017. An employer must then submit data from all its 2017 forms (300A, 300 and 301) by July 1, 2018 and beginning in 2019 and thereafter, the data must be submitted by March 2.

The regulation has muddied the waters and may warrant a discussion with your counsel to ensure that you do not put your company in harm's way because of actions that are taken in a real effort to protect employees from injuries/illnesses. It is troubling to see such language that is counterproductive to trying to maintain employee safety and is in contrast to the burdens put on a contractor as it pertains to liability issues employers are faced with here in New York State.

Washington is cranking out new regulations at an alarming pace and it can be difficult to keep up. Failing to comply with submitting your injuries and illness information electronically will surely result in a citation. Start to take steps now to ensure your company is prepared to manage the many provisions outlined in this standard. As always contact AGC NYS if you have any questions regarding this or any safety issues. Jim Redmond can be reached at 585-370-1853 and Dennis Kiefer can be reached at 518-376-8221.

## **AROUND THE STATE**

Joe Hogan was on Long Island for a partnering session.

Joe was in the Hudson Valley for a meeting with BIE representatives

Karen and Walter were with members in Rochester at a fundraising event.