



# AGC NYS Newsletter June 11, 2020

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## ***Industry News***

### ***NYSDOT Posts CHIPS, EWR and PAVE-NY Allocations Following AGC-Led Coalition Letter Demanding the Release of Funding***

NYSDOT posted the allocations for the CHIPS, EWR and PAVE-NY Programs. You can [access the allocations at this link](#), and [the letter can be found here](#).

The Department indicates that, based on guidance from the Division of the Budget, these allocations may be subject to reductions of up to 20% based on the revenue/budgetary adjustments the Budget Director will make going forward in response to the budgetary and economic impacts of the COVID-19 pandemic.

We are further advised that information on the BRIDGE-NY Program is still being finalized.

We appreciate the responsiveness of the Governor’s Office, Division of Budget and Department of Transportation to our urgent call to release these funds. It will allow critical local projects to advance—and New Yorkers to get back to work or avoid layoffs.

### ***AGC NYS COVID-19 Resources Page***

AGC NYS has established a resources page on a wide range of topics for our members. Please check back often, as the information on this page is updated throughout the day. Visit [agcnys.org/coronavirus](http://agcnys.org/coronavirus) for the most recent information.

### ***Join us for an AGC NYS Zoom Town Hall with Congressman Antonio Delgado Tuesday, June 15 | 5:15 p.m. | [REGISTER HERE](#)***

Join us for a Zoom meeting with Congressman Antonio Delgado for a report about the federal response to the COVID-19 pandemic and discussion about “Phase 4” of stimulus funding. This meeting requires Zoom, and no phone dial-in will be available. Zoom is best used through the app on a computer or mobile device, and [can be downloaded here](#).

### ***Join us for an AGC NYS Zoom Town Hall with Congressman Brian Higgins Tuesday, June 16 | 3:00 p.m. | [REGISTER HERE](#)***

Join us for a Zoom meeting with Congressman Brian Higgins for a report about the federal response to the COVID-19 pandemic and discussion about “Phase 4” of stimulus funding. This meeting requires Zoom, and no phone dial-in will be available. Zoom is best used through the app on a computer or mobile device, and [can be downloaded here](#).

### ***AGC NYS Offers COVID-19 Safety App***

The Safety Meeting App has been a long time partner of AGC NYS, and now includes a free COVID-19 version of the app, designed specifically to meet the needs of the New York Forward Plan for Reopening Businesses. The app includes 4 forms that are easily filled out by the user(s), archived, transferable via email, and tracked by the administrative dashboard. Forms included are the Employee Pre-Screening Health Questionnaire, Non-Compliance Disciplinary Violation, Daily Cleaning Log, and Visitor Log. The New York Forward Plan has a lot of paperwork components that must be completed, and we feel this app can be of great assistance in reducing the physical paper and recording. The PreScreening Questionnaire is designed to be used by employees at home prior to starting work. The questionnaire can be completed and recorded in the app.

The Safety Meeting App was first introduced to us for their ease of use relative to jobsite ToolBox Talks. That portion of the app still exists and has been enhanced over the years to include checklists and other features. Current clients of the The Safety Meeting App will be able to get the COVID-19 portion seamlessly.

To find out more about The Safety Meeting App, [visit our website](#) and use the link provided to sign up or purchase. A flyer is also there for you to review. The NY Forward forms are also posted on [a separate webpage here](#).

If you are interested in getting the app for your company and your subcontractors, we can assist in getting you set up with the app developers directly. Their team will walk you through all stages of setup. You can reach out to [Jim Redmond](#) and [Dennis Kiefer](#) for more information. Or [watch the webinar recording here](#).

### **NYC DOH Issues FAQ Document**

The New York City Department of Health has issued an FAQ document titled *Reopening New York City: Frequently Asked Questions What the Construction Industry Need to Know*. This document can answer many employee and employer concerns. [You can find this here](#).

### **Do you have a webinar idea for AGC NYS?**

Is there a webinar topic that you think would be valuable for AGC NYS to produce for the membership? Please e-mail Brendan Manning at [bmanning@agcnys.org](mailto:bmanning@agcnys.org).

### **Webinar Recordings and Slides to Date**

Below please find links to AGC NYS and AGC of America webinars regarding the COVID-19 pandemic and related business topics.

#### **AGC NYS**

[Workforce Reduction & Paid Family Leave Webinar \(3/23\)](#)

[Insurance, Bonding and Workers Compensation Webinar \(3/29\)](#)

[PAUSE-NY and ESD Guidance Webinar \(3/31\)](#)

[Contract Issues in the Age of COVID-19 Webinar \(4/1\)](#)

[Collaborative Leadership in Design & Construction in the Age of COVID-19 \(4/14\)](#)

[Navigating New Loan and Business Assistance Programs Webinar \(4/16\)](#)

[Assessing Your COVID-19 Executive Orders/Workforce Compliance Webinar \(4/21\)](#)

[Dealing with Personal Injury Claims in the Wake of COVID-19 \(4/23\)](#)

[Office Safety Protocols - Guidance for Employers Reopening Construction Offices \(5/13\)](#)

[AGC NYS Safety App - COVID-19 Update \(5/28\)](#)

#### **AGC of America**

[You can find all of the AGC of America webinars here.](#)

### **AGC of America Webinar Access Information**

As a reminder, you will need your AGC of America login to access all AGC of America content. If you don't know your login, please follow these instructions:

1. Visit the AGC website at [www.agc.org](http://www.agc.org)
2. In the upper left hand corner of the home page, click "Login"
3. On the next page, enter your work email address and click "forgot password"
4. Check your email for a link to reset your password
5. Now you can register for the webinar series as a member

If you have any issues, reach out to [membership@agc.org](mailto:membership@agc.org).

## **Government Affairs**

### **STATE NEWS**

#### ***Updated "New York State Voting Leave Rights" Helps Business – Upcoming June 23 Primaries***

A recent amendment to the New York State Election Law, which provided employees with paid time off to vote, will help businesses to manage time allowing an employee "sufficient time to vote". Generally, New York State employees are eligible for up to two hours of paid time off to vote if they do not have "sufficient time to vote." An employee is deemed to have "sufficient time to vote" if an employee has four consecutive hours to vote either from the opening of the polls to the beginning of their work shift, or four consecutive hours between the end of a working shift and the closing of the polls.

For example, if an employee is scheduled from 9 am to 5 pm, and the polls are opened from 6 am to 9 pm, the employee is not eligible for paid time off to vote, because the polls are open for four consecutive hours after the employee's shift ends at 5 pm. However, if an employee is scheduled to work from 9 am to 6 pm, then the employee is eligible for paid time off to vote, because the employee only has three consecutive hours off in the beginning of their shift and end of their shift.

[Read the latest information from the New York State Board of Elections here.](#)

**June 23, 2020** – Special Election to fill a vacancy in Congressional District 27 (Counties: Genesee, Livingston, Orleans, Wyoming, part of Erie, Monroe, Niagara and Ontario). The Early Voting period for this Special Election will be June 13, 2020 – June 21, 2020.

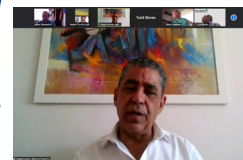
**June 23, 2020** – State and Federal Primary Elections. The Early Voting period for State and Federal June 23rd Primary will be June 13, 2020 – June 21, 2020.

### **FEDERAL NEWS**

#### ***AGC NYS Hosts "Infrastructure Town Halls" With Representatives Tonko, Katko and Espaillat***

*Join Us on June 15 for Rep. Antonio Delgado and June 16 for Rep. Brian Higgins*

Members of AGC NYS met in a virtual "Infrastructure Town Hall" discussions with Representatives Paul Tonko, John Katko, and Adriano Espaillat to discuss the latest business on Capitol Hill including the Cares Act, INVEST in America Act, and steps to help restart the economy through infrastructure investment.



Please join us at the next "Infrastructure Town Hall" on [June 15 with Rep. Antonio Delgado](#) and [June 16 with Rep. Brian Higgins](#). Let Congress know how infrastructure investment will help New York's current and future economic recovery by investing in infrastructure.



#### ***AGC Victorious in Leading Congressional Passage of PPP Loan Improvements***

President Trump signed into law the AGC-backed Paycheck Protection Program (PPP) Flexibility Act of 2020 (H.R. 7010) after AGC members sent tens of thousands of messages seeking improvements to the PPP. The measure makes significant improvements to the Paycheck Protection Program that AGC has been pushing for and its passage marks another legislative victory for the association. Among these improvements are: (1) Extending the amount of time that loan recipients can spend PPP funds, and qualify for loan forgiveness, from eight to 24 weeks; (2) Revising the uses of loan funds eligible for forgiveness from up to 75 percent in payroll costs/25 percent in non-payroll costs to up to 60 percent/40 percent, respectively; (3) Creating a safe harbor for employers that made a good faith effort to hire or re-hire qualified employees; (4) Extending the maturity of PPP loans from two to five years; and (5) allowing PPP loan recipients to defer payroll taxes through the end of 2020. AGC will continue to fight for additional, necessary improvements to this loan program.

### **AGC Puts Forth Construction Firm Liability & Workers Comp. Protections**

AGC provided key members of Congress with its recommendations and white paper, detailing construction employer COVID-19 liability protections and unreasonable workers compensation burdens. Among other things, AGC called for Congress to: (1) Assure low exposure risk businesses, like construction firms, that they will not face suits if they reasonably comply with relevant guidelines during the crisis and after reopening; (2) Limit claims alleging COVID-19 exposure in the course of the provision of lawful business to situations of gross negligence, willful misconduct, intentional criminal misconduct, or intentional infliction of harm; and (3) Bar states from enacting workers compensation claim presumptions that irrationally treat all job classifications the same – or at equal risk of exposure to COVID-19 – because higher risk jobs, like healthcare or morgue workers, are inherently different from lower risk construction jobs. Without such legislative action, it will be more difficult for the construction industry to help stem the tide of job losses and build the path to economic recovery. That is why these protections are a top priority for AGC and its members.

### **NEW YORK CITY NEWS**

#### **AGC NYS Joins Coalition Calling on Mayor de Blasio to Fully Fund the 2021 Capital Budget**

In a letter to Mayor Bill de Blasio, AGC NYS joined a group of organizations representing a wide variety of New York City industries and sectors – from arts and culture and parks to housing and business advocates – urging the Mayor to retract his proposed cuts to the FY2021 Capital Budget. The groups stated that capital investment is necessary to help the economy recover from the impact of the Coronavirus. As one of the hardest hit cities in the nation, New York City businesses and organizations are relying on this funding to stay open and keep employees on payroll. [A copy of the letter is available here.](#)

### **Building News**

#### **AGC of America Chief Economist Reacts to May Jobs Report and Other Recent Data**

*Jobs rebound in May but unemployment remains high after April decline in 91% of metros*

In his **Data Digest** AGC of America Chief Economist offered thoughts on the May Jobs report. In it, Ken writes: Nonfarm payroll employment in May rebounded by an unexpected and historic 2.5 million, seasonally adjusted, following a plunge of 20.7 million in April and 1.4 million in March, the Bureau of Labor Statistics (BLS) reported on Friday. The unemployment rate declined to 13.3% from 14.7% in April. Construction employment in May totaled 7,043,000, an unprecedented one-month increase of 464,000, following a record one-month decrease of 995,000 in April and a decline of 65,000 in March. Construction accounted for nearly 19% of the total gain for the month even though the industry constitutes only 5% of nonfarm employment. The huge pickup may reflect the industry's widespread receipt of Paycheck Protection Program loans and the loosening of restrictions on business activity in some states. Nevertheless, employment was only back to the level reached in late 2017. The net job loss from the recent peak in February totaled 596,000 (-7.8%), with similar declines of 7.4% for residential construction (residential building and specialty trades) and 8.1% for nonresidential construction (building, specialty trades, and heavy and civil engineering construction). The industry's unemployment rate in May was 12.7%, with 1,187,000 former construction workers idled. These figures were roughly four times as high as in May 2019 and were the highest May levels since 2012 and 2011, respectively.

Construction employment, not seasonally adjusted, decreased between March and April in 326 (91%) of the 358 metro areas (including divisions of larger metros) for which BLS provides construction employment data, increased in 20 (6%) and was unchanged in 12, according to an analysis AGC released on Wednesday. (BLS combines mining and logging with construction in most metros to avoid disclosing data about industries with few employers; AGC assumes the construction-only percentage change in these metros equals the combined change.) In the 30-year history of the data from 1990 through 2019, metros with construction employment increases from March to April had always outnumbered those with decreases. On average, 75% of metro areas added construction jobs between March and April in past years, while only 12% shed jobs. New York City lost the most construction jobs (-75,900 combined jobs, -49%), followed by the Seattle-Bellevue-Everett, Wash. division (44,200 construction jobs, -41%). Construction employment fell by half or more in three metro divisions: Montgomery County-Bucks County-Chester County, Pa. (-54%, -27,200 combined jobs); Warren-Troy-Farmington Hills, Mich. (-52%, -26,100 combined jobs); and Brockton-Bridgewater-Easton, Mass. (-50%, -2,300 combined jobs). Thirteen metros set new highs for April construction employment; 43 set new lows.

The Census Bureau on Thursday released the results of its fifth Small Business Pulse Survey, with responses from May 24 to 30, that "is intended to provide crucial weekly data on the impact of the COVID-19 crisis on the nation's businesses." A slightly smaller share of construction firms added employees than during the week before (10.1% vs. 11.2% from May 17 to 23), while the share of firms that reduced headcount fell to 12.4% from 14.7%. Supply-chain disruptions were less widespread in the latest survey (33.3% vs. 37.8% in the previous survey). The share of construction respondents that closed a location for at least one day fell to 17.8% from 21.7%. More construction firms than in the previous survey reported "little or no effect on...usual level of operations" (15.8% vs. 12.5%). More predicted a return to usual level within one month or less (7.0% vs. 5.5%) but fewer than before predicted a return to normal in 2-3 months (15.3% vs. 20.4%). As in the previous survey, the most common expectation was that returning to normal level would take more than six months (35.0% vs. 33.6% previously). By May 30, 70.6% of responding construction firms (and 71% of respondents from all sectors) had received Paycheck Protection Program loans and 13.0% (vs. 17.5% overall) had received Economic Injury Disaster Loans.

"The Dodge Momentum Index moved a scant 0.1% lower in May...from the revised April reading," Dodge Data & Analytics reported on Friday. The index "is a monthly measure of the first (or initial) report for nonresidential building projects in planning, which have been shown to lead construction spending for nonresidential buildings by a full year. The commercial component of the Momentum Index rose 1.0% during the month, while the institutional component dropped 1.9%...The resilience of the Momentum Index over the last two months has been remarkable in the face of the COVID-19 crisis and resulting economic recession. With May's reading, the Momentum Index is down 17% from its most recent peak in July 2018. During the Great Recession, by contrast, the peak-to-trough decline was 62%. While the Momentum Index may move lower in the future, its present level continues to suggest that there are enough projects entering planning to allow construction to begin a modest recovery in the third quarter."

"Economic activity in the non-manufacturing sector contracted in May for the second consecutive month," the Institute for Supply Management reported on Wednesday in its monthly Non-Manufacturing ISM Report On Business. Construction was among the 14 sectors that contracted, out of 18 overall. The report quoted a construction purchasing executive: "Sales have slowed, but backlog has remained [at] 2019 levels. Several key commodities have seen radical up-and-down swings in pricing, specifically lumber. Some suppliers recognize the downturn and are beginning to voluntarily offer pricing concessions." Commodities important to construction that were reported up in price included lumber products and numerous categories of sanitizing and personal protective equipment (many of which were also in short supply). Items down in price included diesel fuel (for the fifth consecutive month), PVC products, steel, and steel products (for the third month in a row).

**NOTE** – Don't Miss our [June 24th Webinar](#) Featuring Ken Simonson and AIA Chief Economist Kermit Baker as they discuss this information, the most recent ABI and a host of other indices.

### **AGC NYS and AIA NYS To Host Joint Webinar Featuring AGC and AIA National Economists**

On June 24th from 2-3:30pm, AGC of America Chief Economist Ken Simonson and AIA National's Chief Economist Kermit Baker will make a joint webinar presentation for the members of AGC NYS and AIA NYS. Ken and Kermit will offer their thoughts and perspective on questions like:

How is the architectural and construction industry faring in the wake of Covid-19?

What do such indices as the ABI and industry survey suggest for the market going forward in New York and Nationally?

What are the major risks to the outlook?

We hope you can join us for this informative and robust discussion. [Please register here.](#)

### **AGC of America to Offer Important Webinar - COVID-19 and the Impact on Lean Construction Projects** June 17, 2020 - 2:00pm to 3:00pm | Member Price: \$79 | Non-Member Price: \$99 | [Click here to register](#)

Lean construction tools and techniques are centered on collaboration, inclusion and all hands-on deck from the moment a job starts. How are general contractors, specialty contractors and consultants switching up the

Last Planner System and the Big Room in the age of social distancing? Join us to hear best practices from Linbeck Group, LLC, Southland Industries, and SixSigmaTV.net as they share how they have pivoted their sites to implement Lean techniques while keeping their team members safe.

**Speakers:**

Phillip Thomas, CM-Lean  
Project Manager  
Linbeck Group, LLC

Jeff Gray  
Owner/Consultant  
SixSigmaTV.Net

Henry Nutt, III  
Preconstruction Executive  
Southland Industries

Everyone who registers for an AGC WebEd will receive a link with access to the recording and the presentation..

**NYC MOCS Announces PASSPort Release 3**

NYC's MOCS (Mayor's Office of Contract Services) addressed the AGC NYS New York City Committees last Fall. They broadly discussed their PASSPort program and in the discussion noted the upcoming Release 3. MOCS wrote to us last week and asked that we pass on the following information about that release.

**Dear City Contractor,**

As we continue to address the unprecedented COVID-19 environment, the Mayor's Office of Contract Services (MOCS) has been working to complete the third major update to PASSPort, the City of New York's digital procurement platform, which will enable you to easily identify procurement opportunities, track contracts and manage your business with the City. Track Your Contract

The Award Milestones tracker, one of the new features in PASSPort, shows all important milestones from award to contract registration. Vendors can see what contracting steps have been completed and what steps are ahead on the path to registration.

Check out what the PASSPort Award Milestones tracker will look like by opening the [attached document](#).

This is one of many new features we developed based on feedback from our business communities - M/WBEs, nonprofit organizations, large and small companies. PASSPort Release 3 will provide the transparency that our partners have asked for and deserve. To hear directly from some of our vendor partners, [please watch this short video](#).

The Award Milestones tracker, and other new PASSPort features, will be available later this spring. You'll be hearing more from us between now and our phased rollout of Release 3. [You can learn more about upcoming key features here](#).

Please make sure your business is ready to take advantage of the upcoming enhancements by creating a PASSPort account and filing disclosures by completing the Vendor Enrollment process. For more information and support visit [nyc.gov/passport](http://nyc.gov/passport) or contact the MOCS Service Desk at [help@mocs.nyc.gov](mailto:help@mocs.nyc.gov).

**Sincerely,**  
**Mayor's Office of Contract Services**

## **Highway News**

### **Regional Highway Meetings Postponed**

At this time, all regional meetings have been postponed until budget information becomes available.

### **Recent Engineering Issuances Posted by NYSDOT**

#### **EI 20-009 Revisions to Standard Specifications Sections 572, 573, 574, 708-01, 708-02, 708-05, 708-06, and 708-07**

*Effective Date: January 1, 2021*

The current version of Standard Specification Sections 572, 573, 574, 708-05, 708-06, and 708-07 references 6 NYCRR Part 205. On January 1, 2021 a revised 6 NYCRR Part 205 will take effect that will lower the allowable Volatile Organic Compounds (VOC) limit for structural steel paint systems. Sections §708-01 and §708-02 will be updated to reference 6 NYCRR Part 205. Zinc-rich primers are currently classified as "Metallic Pigmented Coatings" under the existing version of 6 NYCRR Part 205. The revised 6 NYCRR Part 205 that takes effect January 1, 2021 will create a new category specifically for "Zinc-Rich Primers" under which the zinc-rich primer paints will be listed. Standard Specification Sections 572, 573, 574, and 708 must be updated as a result. The Federal Color Standard 595 was superseded by Aerospace Material Specification Standard 595A. The standard paint colors in Section §708-05 must be updated to reflect the new color naming convention.

#### **EI 20-014 Conceptual and Preliminary Estimating Requirements and Preliminary Cost Estimating Tool Development (PCET)**

*Effective Date: June 8, 2020*

The purpose of this EI is to provide additional resources to estimating engineers and to require cost estimate documentation during the Project Initiation and Scoping Stages.

#### **EB 20-013 Materials Procedure (MP) 402-03 Sampling of Asphalt Mixture at the Paver**

*Effective Date: May 27, 2020*

This EB announces the new Materials Procedure (MP) 402-03: Sampling of Asphalt Mixture at the Paver.

### **2020 NYS HMA Density Testing Inspector Certification Course UPDATES**

The AGC NYS-sponsored HMA Density Testing Inspector Certification Program provides qualification of personnel performing density testing on Hot Mix Asphalt in New York State. Certification is required for testing on all NYSDOT and Thruway paving projects and is valid for five years. Technicians must attend a two-day program and successfully pass the written examination. Certificates expire after 5 years; a re-certification exam must then be taken and passed. The course and exams are administered by Alfred State College.

#### **2020 Schedule:**

##### **TWO-DAY COURSES**

- August 10-11, Newburgh, NY

New Date will be added as needed

NOTE: Exam held on second day of course

#### **For registration and payment info contact:**

The Center for Community Education and Training

Alfred State College

10 Upper College Drive

Alfred, NY 14802

Fax – 607-587-3295

Email – [ccet@alfredstate.edu](mailto:ccet@alfredstate.edu)

You can find more information and the [registration form here](#). If you previously registered for the April course that was canceled and have not received a call, please contact Tammy at [ccet@alfredstate.edu](mailto:ccet@alfredstate.edu) to get rescheduled into an online module.

## Safety News

### NYC SST Deadline Still Remains

The last few months have thrown a wrench in the industry for certain, but the requirement for SST training certification in New York City still remains in place. As a reminder, a requirement of [Local Law 196 of 2017](#), workers at job sites requiring a Construction Superintendent, Site Safety Coordinator or Site Safety Manager must have a total of 30 hours of safety training by December 1, 2019 and a total of 40 hours by September 2020. Please don't forget that all workers will have had their 30 hour training completed to be working in NYC, but now will need to complete the final 10 hours (for a total of 40) to meet the SST requirement. There will be just about 70 days left before the September 1 deadline at the time this newsletter is published. As you can imagine, the classes may fill up quickly. Remember that all AGCNYS Members receive a 15% discount on training courses from our partner Total Safety Consulting. [Visit their website](#) for their latest training schedule.

### Order Your COVID-19 New York Construction Jobsite Poster

The AGC NYS COVID-19 Construction Jobsite Poster contains the most current information from these agencies:

- CDC
- OSHA
- NYC DOB
- NYS DOL
- US FED DOL



Alert your jobsite workers to the necessary information to stop the spread of COVID-19 and protect everybody on site. Highly visible color print scheme. Printed on specially laminated, UV, and weather resistant material for indoor and outdoor posting. Applicable for all NYS and NYC jobsites. [Click here for the order form.](#)

### Order Your NYS Business Reopening Safety Plan Construction Jobsite Poster

The New York State Reopening Safety Plan Construction Jobsite Poster contains the required jobsite postings per the NYS guidance document:

- Face Coverings
- Physical Distancing
- Discarding of PPE
- Cleaning
- Reporting



You can view the signage requirements on the NY Forward plan by [clicking here](#). [Click here](#) for the order form.