



# AGC NYS Newsletter August 6, 2020

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## ***Industry News***

### ***SUBMIT NOW! 2020 Jeffrey J. Zogg Build NY Awards***

*Entries Due October 2, 2020*

Applications for the 2020 Jeffrey J. Zogg Build NY Awards are now open. [Click here for an application.](#) Deadline is October 2, 2020.

Winners will be presented with their award at a reception in the spring of 2021, held jointly with the AIA NYS and their Excelsior Awards for Public Architecture.

If you have questions, please reach out to [Brendan Manning](#).

### ***Support the AGC NYS Scholarship with an Online Silent Auction Item***

In June of this year, the AGC NYS Scholarship Committee awarded \$55,000 in scholarships to well deserving students majoring in construction related programs who plan to work in our industry. One of our greatest scholarship fundraisers each year takes place at the Anthony S. Santaro AGC NYS Golf Classic. As you are aware due to COVID-19 we have had to cancel this year's tournament. In order to raise money for the AGC Scholarship Fund we are going to hold an online Silent to be announced sometime in September 2020.

We are seeking items for the Auction. Below are some suggestions for donation:

- Golf Items including Clubs (drivers, putters, wedges), Golf Bags, Pull/Push Carts etc.
- Tools including battery powered drills, hammer drills, blowers, weed and bush trimmers
- Equipment Rentals
- Vacation Rentals/Timeshares
- Rounds of Golf
- Spa Days
- Gift Baskets with a variety of items
- Gift Cards or Gift Certificates

If you or you firm would like to make a donation of a silent auction item please you [can go online here \(include a photo\)](#) or [download a fill .pdf form here](#) and return to Brendan Manning at the AGC NYS at [bmanning@agcnys.org](mailto:bmanning@agcnys.org).

### ***Join us for an AGC NYS Zoom Town Hall with Congresswoman Kathleen Rice*** *Monday, August 10 | 12:00 p.m. | [REGISTER HERE](#)*

Join us for a Zoom meeting with Congresswoman Kathleen Rice 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 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.

## ***AGC of America Education and Research Foundation Undergraduate and Graduate Scholarship is Now Open***

*Apply by November 1, 2020 - [Click here to apply.](#)*

Each year the AGC Education and Research Foundation offers undergraduate and graduate level scholarships to students enrolled in construction management or construction related engineering programs. Over \$10 million in scholarships have been awarded to more than 4,000 students attending colleges and universities across the country. Through endowments made by AGC members and supporters, as well as AGC Chapters, the Education and Research Foundation awards over 100 scholarships each year to students dedicated to pursuing a career in the construction industry. Please be sure to share this with those in the industry, interns, college faculty or anyone you may know who qualifies.

## ***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](#).

## ***Government Affairs***

### **STATE NEWS**

#### ***Industry Planning Campaign to Get Bill Defining Substantial Completion Signed by Governor***

AGC NYS and our industry partners are planning an aggressive campaign to get legislation defining substantial completion signed into law by Governor Andrew Cuomo. The bill (A.9117/S.7664) sponsored by Assemblyman Mike Cusick and Senator Neil Breslin is identical to a bill vetoed by Governor Cuomo in 2019. However, AGC NYS and our industry partners have researched the veto jacket and are working with the legislators to address the concerns raised by state agencies, New York City, and others that do not fully appreciate the intent of the legislation. For reference, the veto jacket includes a message from the Governor and communications in support or opposition to the bill. [A copy of the veto jacket is available here.](#)

### **FEDERAL NEWS**

#### ***From Yellowstone to Yosemite, National Parks to Get Long-Awaited Overhaul***

President Trump signed the Great American Outdoors Act this morning—a historic, bipartisan law that marks the largest-ever investment into America's national parks and public lands. It will also create more than 100,000 infrastructure-related jobs. To preserve our parks, the law will provide \$900 million each year in permanent funding for the Land and Water Conservation Fund and will allocate \$9.5 billion over 5 years to restore facilities and infrastructure in our national parks and public lands.

### ***Senate GOP Releases Its \$1 Trillion COVID-Relief Proposal (HEALS Act)***

On July 27, Senate Republicans unveiled their version of a \$1 trillion COVID relief bill called the Health, Economic Assistance, Liability Protection and Schools (HEALS) Act. In line with AGC recommendations, the bill includes a transition away from the CARES Act \$600 per week federal unemployment insurance (UI) benefit, improvements to and an expansion of the employee retention tax credit, the opportunity for businesses to apply for a second Paycheck Protection Program (PPP) loan, liability protections for businesses, and investments in career and technical training. However, the HEALS Act, like the House Democratic COVID-relief bill (the HEROES Act), includes little in the form of dedicated infrastructure investment despite declining state and local transportation construction revenues, the need to reconfigure, renovate and build schools and hospitals for safe and effective operations, and the lack of sufficient water and broadband infrastructure that many parts of the nation need for communities to endure a prolonged pandemic. As it stands, it is unclear if both parties will reach any agreement before the CARES Act federal UI benefit expires on July 31.

### ***NEW YORK CITY NEWS***

#### ***Governor's Senior Aide and UFT Pan Mayor's School Reopening Plan***

Jim Malatras, a senior aide to Governor Cuomo and United Federation of President Mike Mulgrew panned Mayor de Blasio's school 32 page reopening plan. Malatras was quoted in an article published by the New York Post saying, "Other plans that have been submitted are much more detailed from first glance." Mulgrew said "The standards the city proposed — for protection, testing, and closing of schools and classrooms — are not enough," said United Federation of Teachers President Michael Mulgrew.

### ***Building News***

#### ***AGC NYS Joins With Coalition of Associations in Letter to ESD Regarding Funding and Payment on Projects***

AGC NYS joined with a large and broad coalition of contractor, designer and business organizations from across the State to issue a letter of concern to the President and CEO of Empire State Development (ESD) about funding and payment issues on ESD supported projects. AGC NYS had been hearing from members on various ESD funded projects where shuttered projects were given the go ahead to restart with the provision that payment from ESD may not be forthcoming for as long as 90 days. In other projects, while they had been proceeding, contractors had not been paid for months. In the letter, the Coalition has requested relief and a meeting to discuss the issues in hopes of finding resolution to the broader issues. [Click here to read the letter.](#) AGC NYS has have several productive conversations with ESD and others that have helped to clear up the issues.

#### ***AGC Launches Workforce Survey; Construction Spending Slips 0.7% to 12-Month Low in June***

AGC launched the [2020 AGC of America-Autodesk Workforce Survey](#). The survey is intended to document the impact of the pandemic on construction activity and employment, as well as steps contractors are taking to adapt. Contractor readers are invited to complete the survey by August 24. Results are expected to be released the week of August 31.

Construction spending declined for the fourth consecutive month in June as decreases in single-family, highway and educational projects outweighed increases in several private nonresidential categories, according to an analysis by the Associated General Contractors of America of government data released today. As state and local government face budget deficits, association officials cautioned that investments in infrastructure and other construction projects are likely to continue falling unless Congress and the Trump administration provide additional, targeted and dedicated infrastructure funding. To learn more, [click here](#).

#### ***NYC DOB Responsive to AGC NYS Relative to Inspector Issue***

Somewhat relative to an article from the last newsletter regarding the SWO process, we contacted DOB regarding what we believed to be inspector misunderstanding of the rules. In this particular case, the inspector had informed a member's project staff that they were required to take the temperatures of all workers entering the site and that a paper copy of the cleaning logs must be kept on site. Within a short time after contacting DOB, we received word that "We confirmed the correct regulations with the inspector. Thanks" We thank DOB for their responsiveness.

### ***AGC NYS Testifies Relative to Proposed DOB SWO Penalty Rule***

AGC NYS provide testimony last week at a DOB hearing relative to a proposed rule that would add special penalties for failure to certify correction of "Immediately Hazardous Violations" and, perhaps more problematic, would withhold the lifting of stop work orders, permits and certificates of occupancy until all fines are paid. In our testimony, AGC NYS expressed concerns about the nebulous nature of the terminology and the leverage and due process issues relative to the noted withholdings. [Click here for a copy of the testimony.](#)

## ***Highway News***

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

#### ***EB 20-039 Fuel, Asphalt & Steel Price Adjustments (August 2020)***

*Effective Date: August 1, 2020*

Provides information to be used in computation of progress and final payments for the fuel, asphalt, and steel price adjustment pay items.

### ***Join Trucking Association of New York for the 2020 Virtual Safety Symposium: August 11-12, 2020***

The Virtual Safety Symposium will provide attendees with the latest information on safety issues and compliance initiatives facing the trucking industry. It is a collaborative effort organized by transportation experts from both the public and private sectors including the Trucking Association of New York (TANY), the NYS Department of Motor Vehicles, the NYS Department of Transportation, the Governor's Traffic Safety Committee, and the Federal Motor Carrier Safety Administration.

Registration: \$125 | [Register here](#)

Flat rate for members and non-members

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

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 VIRTUAL COURSE**

- August 10-11

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***

### ***NYS Minimum Wage Poster Revised***

The NYS minimum wage poster was revised to include information about tipped workers. This poster will be in effect from 6/30/20 to 12/31/20, at which point the poster will be revised again for 2021.

AGC NYS will update its popular Compliance Poster, and any new orders will have this update included.

For those who bought the 2020 Compliance Poster, we will have labels of the section made so that you can

update existing jobsite postings. Please contact us to request the labels and we will send them ASAP.

### ***AGC NYS New York City FastFacts App Updated***

As the industry has settled down with the many rules and regulations relative to COVID-19 safety and work policies, we have updated our NYC FastFacts App to include all the pertinent information required to operate in compliance with NYS and NYC DOB Rules and Regulations.

For those companies already using the app, you will see a new section for COVID which will include links to the appropriate DOB service notices and other information.

If you are not currently using the app, now is a great time to take a test drive and see what the app includes - DOB, FDNY, an entire on-line copy of Chapter 33, plus important information from other city agencies. You can find more information at [agcnys.org/fastfacts](http://agcnys.org/fastfacts) or call AGC NYS Staff directly and we can give you more information.

### ***Inspection Guidelines for Enforcement of Respirable Crystalline Silica Standard Issued by OSHA***

OSHA's Directive covering the Inspection procedures for the Respirable Crystalline Silica Standards was recently issued and outlines how the standard is to be enforced. This document provides employers with insight as to the procedural and enforcement guidelines that compliance officers will follow when an inspection occurs. The document also includes a compliance checklist that will be utilized by an inspector during the inspection process. This information is valuable for employers that perform activities where this regulation is applicable. A number of items to highlight include the following:

Inspectors are to conduct and collect personal breathing zone samples during their initial inspection. In the past, typically an industrial hygienist would visit the site to conduct the sampling. The guidelines instruct them to be done on the first day of the inspection. In the event that no silica-generating work is being performed during the inspection, the inspector is expected to inquire when such work will resume that generates silica dust so sampling can be done on a later date.

Inspectors are instructed to ask for an employer's documentation regarding crystalline silica including the following:

- Employer's written exposure control plan developed for operations to be performed.
- Exposure records; including air monitoring results as well as data the employer used to assess exposures to determine what exposure levels might be expected while performing an operation.
- Laboratory analytical results associated with an operation performed.

The enforcement document cites that if an employer is not adhering to specified controls outlined in Table 1 of the standard, or perform a task using equipment not listed in Table 1, the employer will be considered to be out of compliance, unless the employer can demonstrate they are in compliance with the permissible exposure limit (PEL). For those employers that are following all requirements set forth in Table 1 are considered to be compliant with the Silica Standard and the collection of personal air samples is not required.

[The complete document can be accessed here.](#) As always, do not hesitate to reach out to AGC NYS if we can be of assistance. We are here to help and welcome your calls.