



# AGC NYS Newsletter August 20, 2020

The Associated General Contractors  
of New York State  
10 Airline Drive, Suite 203  
Albany, NY 12205  
(518) 456-1134 | [www.agcnys.org](http://www.agcnys.org)

## Index:

### Industry News

Virtual Auction.....	1
2020 BNY Awards .....	1
Partnering Awards .....	1
Newell Anniversary .....	2
AGC NYS COVID-19 Resources.....	2
AGC Scholarship Open.....	2
COVID-19 Safety Meeting App .....	2

### Government Affairs

Public Hearings .....	2
2021 Budget .....	3
Environmental Bond Act .....	3
Seatbelt Legislation .....	3
Take Action on Infrastructure .....	3
SST Compliance Extension .....	3

### Building

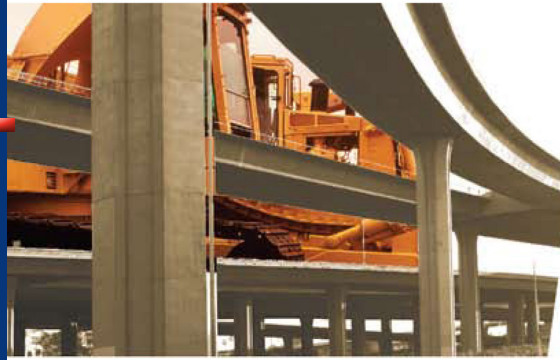
Building Member Survey.....	4
Chapter 33 Rule.....	5
Construction Employment Outlook.....	6
ABI Index - June.....	6

### Highway

Recent Engineering Issuances .....	6
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### Safety

NYS Minimum Wage Poster .....	7
FastFacts Update.....	7
Safety Stand-Down.....	7



## ***Industry News***

***Don't miss the AGC NYS Virtual Auctions and Virtual Cocktail Hour to benefit the AGC NYS Scholarship Program***

The 2020 AGC NYS Online Auction to benefit the AGC NYS Scholarship Fund will begin Monday, September 14 and run through Monday, September 21. The web page to bid on items will be released in the coming weeks.

Items currently available include:

- Mets Luxury Box Tickets for 2021 season
- Amazon Gift Cards
- Turning Stone Gift Cards
- Bottle of Pappy Van Winkle Bourbon
- 4 Yankees Legends Suite Tickets for 2021
- 4 NY Giants Tickets for 2021
- ...and much more.



If you or your 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).

After wrapping up the online auction, the next day on Tuesday, September 22 at 6 PM we will be hosting a Cocktail Hour and Live Auction to raffle off the "temporary home" of the breathtaking velvet fruit and wine painting. To register, [click here](#).

Don't forget to get the ingredients to prepare the new special cocktail developed by AGC's own Joe Hogan called:

*"The Change Order" - We hope your next change order goes down smoothly and meets with approval as easily as this cocktail!*

### ***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](#).

### ***2020 Excellence in Partnering Award Application Now Available***

The 2020 Partnering Award Application is now available for submission. **The deadline is October 21, 2020.** Awards will be presented VIRTUALLY at the 34th Annual Construction Industry Conference this December.

Please take your time in preparing your application! The application **MUST** be submitted to the Owner of the project for their approval **PRIOR** to submission.

[Please click here for a copy of the application.](#)

If you have any questions or need additional information, please contact [Sarah Hill](#).

### ***Congratulations to Cathy Newell on 35 Years of Service to AGC NYS!***

This week our very own Cathy Newell celebrated 35 years with AGC NYS. Thank you Cathy for your committment to our members and congratulations!



### ***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***

#### ***Senate and Assembly Public Hearing: Impact of COVID-19 on the MTA and Public Transportation***

AGC NYS Vice President of Government Affairs Walter Pacholczak will testify at a joint public hearing of the New York State Senate and Assembly about the impact of COVID-19 on the Metropolitan Transportation Authority (MTA) and public transportation. The public hearing is scheduled on August 25, 2020 at 10:00 am and will be live streamed [at this link](#). The purpose of the public hearing is to investigate the impact of COVID-19 on the Metropolitan Transportation Authority (MTA), as well as seek input to avoid further spread of the virus in its facilities and evaluate best practices for virus containment and emergency management that have emerged.

### ***NYS Division of the Budget Releases FY 2021 First Quarterly State Budget Financial Plan Update***

The New York State Division of the Budget announced today the release of the [FY 2021 First Quarterly State Budget Financial Plan Update \(PDF\)](#), which projects a \$14.5 billion General Fund revenue decline and a 15.3% All Funds tax receipts decline from the Budget forecast released in February, creating a total loss of \$62 billion through FY 2024 as a direct consequence of the COVID-19 pandemic. The \$14.5 billion projected revenue decline for FY 2021 represents a \$1.2 billion decline from revenue estimates made in April in the Enacted Budget Financial Plan.

In the absence of Federal funding to offset this revenue loss, the Financial plan shows the State reduced spending through June by nearly \$4 billion compared to FY 2020 spending over the same period. The State has done this by freezing hiring, new contracts and pay raises, and temporarily holding back 20% of payments.

### ***Governor and Division of Budget Cancel Vote on \$3B Environmental Bond Act***

Citing the fiscal crisis, Governor Cuomo and the Division of Budget have determined that the state's fiscal condition cannot allow them to place the Environmental Bond Act on the November general election ballot. AGC NYS is one of more than 125 organizations that supported environmental bond act in New York. The Bond Act would have helped New York create tens of thousands of jobs fixing water systems and building resilient infrastructure. For another bond act to be presented to the voters on the general election ballot, the Governor and Legislature would be required to enact a law in 2021 or a future date.

### ***Governor Signs Legislation Requiring All Motor Vehicle Passengers 16 and Older to Wear a Seat Belt***

Governor Cuomo signed legislation (S.4336/A.6163) requiring all passengers in motor vehicles over the age of 16 to wear a seat belt. Currently, passengers aged 16 and older are only required to wear a seat belt in the front passenger seat next to the driver. The new law takes effect November 1, 2020.

## **FEDERAL NEWS**

### ***TAKE ACTION on Infrastructure Investment to Save Construction Jobs***

*Tell your Elected Officials to Include Funding for Construction in COVID-Relief Bill*

With nearly 1 million construction workers unemployed, it is essential for the construction industry to [tell Congress and President Trump to include significant construction investment](#) for transportation, schools, hospitals, water, and broadband infrastructure in this round of COVID-relief legislation. Due to the unprecedented impact of the pandemic, state and local governments collectively face budget shortfalls of over \$500 billion that are putting immense pressure on public agencies to delay or cancel construction projects. This comes on top of many private owners, developers, and investors—facing vast uncertainty—drastically cutting back on future construction projects. Please, [CLICK HERE](#) to simply submit a pre-written message (or personalize it as you see fit) to your members of Congress and President Trump to include broad and robust infrastructure investment in the next COVID relief bill!

## **NEW YORK CITY NEWS**

### ***Council Bill Would Extend Compliance Date for Site Safety Training***

Local Law 196 of 2017 established, among other things, site safety training ("SST") requirements for construction workers. When the legislation was enacted, the full compliance date for construction workers to complete the required hours of SST courses was May 1, 2019 (barring a determination of insufficient capacity). However, issues with training capacity did arise, with, among other variables, a delay in the rollout of the training curriculum from the Department of Small Business Services ("SBS") and a shortage of course providers. These circumstances impeded the ability of many construction workers to complete their required SST courses and ultimately resulted in Local Law 119 of 2019, which extended the full compliance date to September 1, 2020. The COVID-19 crisis has further prevented some construction workers from completing their required SST courses.

Public Advocate Jumaane Williams has proposed a bill that would extend the full compliance date for Local Law 196 for the year 2017, which establishes construction worker site safety training requirements, to March 1, 2021.



## **Building News**

### ***Building Member Survey Report***

In late July of 2020, AGC NYS put out a to its Members relative to contractual and market conditions. Each survey was sent only to principals/lead contacts of each Building GC/CM Member of AGC NYS – 1 per firm. We received a nearly 20% response and the responses were geographically disbursed. While this is in no way a scientific survey, the responses were very enlightening and instructive. Aside from a question about AGC NYS Regional Meetings – which will be reported on separately, a summary of the responses along with some general comments/conclusions follow:

- **Are you finding owners/clients with unreasonable expectations relative to project completion? Do they expect no impact due to COVID-19 protocols?**

There was no common thread running through the responses to this question. As one respondent put it – “Mixed Bag”. It was heartening, however, that most of the responses indicated understanding clients – at least relative to completion dates. While some seem to indicate reasonableness relative to cost impacts and the approach to dealing with those impacts, some may not yet fully appreciate the breadth and scope of those impacts. What was a bit disheartening were the comments indicating a lack of understanding on the part of designers and construction managers. My hope is that such sentiment is isolated and rare.

In any event, we hope that the tools we have provided.

- **Are you being asked by clients to include unreasonable contract clauses relative to COVID-19?**

To my relief, the overwhelming majority of respondents have not experienced owners seeking to include onerous contract provisions in this regard. Even the one significant example cited appears at this writing to have been tamped down to a more reasonable approach. I have written about this in my previous column in Cornerstone Magazine and I am glad that, thus far, it has not become the major issue that I feared. In fact, as cooler heads have prevailed, many are finding that the tried and true contract provisions are sufficient to the situation.

- **Are you experiencing manufacturer/supplier related delays?**

I found the responses to this question to be most interesting and potentially very useful relative to educating owners about the impacts. While there was a smattering of responses other than the list below, there was a common thread of the following items:

- Windows/Glass/Glazing
- Doors/Door Hardware
- Casework/Millwork

- **Are you experiencing subcontractor delays/inability to properly staff projects?**

The answers to this question were much more scattered. There was no real pattern to be seen in the answers here as most were related more to the workers themselves. With that said, there are some issues reported relative to those subcontractors with crews from certain restricted states and, to a lesser degree relative to the mason and carpenter crews.

- **Are you experiencing craftworker shortages?**

The answers to this question were somewhat disparate and, importantly, many of the responses acknowledged that many craftworker shortages existed prior to the pandemic. Indeed, AGC NYS and AGC of America have been sounding the alarm about workforce shortages for some time. With that said, many of the responses identified carpenters as a particular issues. To a somewhat lesser extent, masons and operators were noted as experiencing shortages.

- **Are you experiencing impacts to project financing?**

While there were a great number of responses indicating project financing issues, most of those responses related to public work and the project shutdowns or cancellations due to public entity budget issues. Even issues we had previously reported relative to ESD supported projects were primarily due to municipality budget issues. The issue seems to be most acute with the City of New York and, in particular, the NYS School

Construction Authority.

This is an issue we have heard about quite a bit outside of the survey and we have encouraged Congress to provide needed support to States and municipalities.

As to private work, there are certainly market impacts noted, particularly with higher ed and hospital work. It was also noted that banks are showing some skittishness relative to financing for spec buildings. On the positive side, there were responses to the effect that while the banks have tighter guidelines, they seem eager to lend.

### **Building Regional Meeting Survey Responses**

As noted, the survey also asked about thoughts/requests for topics to be covered at Building Regional Meetings. There were a lot of great ideas. Thank you. Based on the various ideas and the realities of holding meetings during the current crisis, we have decided that the based way to offer the programs will be to include them as part of the AGC NYS Construction Industry Conference to be held virtually in early December. We are excited about the offerings being planned and I think you will be as well. Stay tuned for details.

### ***NYC DOB Adoption of Rule - Chapter 33***

The rule updates the penalty amounts for violations related to several provisions of Chapter 33 of the Building Code in order to conform to DOB's methodology for calculating penalty amounts.

Specifically, the rule amends section 102-01 of Title 1 of the Rules of the City of New York to:

- Indicate that violations charged as "Aggravated I" are never eligible for Cure, Stipulation, or Mitigation even if there is a "Yes" in the corresponding column of the Buildings Penalty Schedule for that violation description;
- Add civil penalties for failure to submit a Tenant Protection Plan ("TPP") pursuant to Administrative Code § 28-120.1 as required in Local Law 106 and 118 of 2019;
- Amend existing penalties for failure to post and distribute Notice of TPP to reflect the preferred charging section;
- Remove an existing Class 1 penalty related to Administrative Code § 28-210.1;
- Amend existing penalties related to Administrative Code § 28-211.1 as required in Local Law 118 of 2019, doubling penalties related to the filing of documents that make material false statements;
- Amend existing Class 2 penalties related to miscellaneous provisions of the Administrative Code and New York City Building Code to match the statutory maximum for Class 2 penalties;
- Amend existing Class 2 penalties related to miscellaneous provisions of the Administrative Code and the Zoning Resolution of the City of New York to allow Cures for these penalties in accordance with an initiative by the Department of Small Business Services;
- Amend existing penalties related to several provisions of Chapter 33 of the Building Code in order to conform to DOB's methodology for calculating penalty amounts (DOB's methodology sets the "Aggravated I" penalty at two and a half times the Standard penalty, both the "Standard Default" and "Aggravated II" penalties at five times the Standard penalty, and the "Aggravated II Default" penalty at the statutory maximum);
- Remove Cures for two existing Class 1 penalties related to 1 RCNY § 3319-02(j)(3) and miscellaneous violations of the Energy Conservation Code's residential provisions because Class 1 penalties are not eligible for Cure; and
- Amend an existing Class 3 penalty related to § 28-104.8.4.3, which was incorporated into § 28-120.1.3 pursuant to Local Law 106 of 2019.

For more info, [click here](#).

## ***Construction Industry Adds 20,000 Employees In July but Nonresidential Employment Dips; Association Warns Skid Will Worsen Without New Relief***

Construction employment increased by 20,000 jobs in July but the gains were limited to housing, while employment related to infrastructure and nonresidential building construction slipped by 4,000, according to an analysis by the Associated General Contractors of America of government data released today. Association officials cautioned that non-housing construction job losses will continue unless the federal government provides infrastructure funding for state and local budgets, enacts liability reforms and other relief measures. [Click here to read more.](#)

## ***ABI June 2020: Business conditions at architecture firms begin to stabilize, fewer firms report declining billings this month***

Business conditions at architecture firms continued to stabilize in June, following their peak declines in April. While the ABI score of 40.0 for the month means that the majority of architecture firms still saw their billings decline from May to June, the pace of that decline slowed significantly. Inquiries into new work nearly returned to the positive in June, as clients began trying to restart projects. However, the value of new design contracts still lags behind, as many potential clients are price shopping to multiple firms but will ultimately only select one to work with. Firm backlogs also began to tick back up, rising from an average of 5.0 months in March to 5.3 months in June. However, concerns remain about whether the momentum will continue on its current trajectory, or if the gains reported in the last two months will be reversed as COVID-19 cases rise across the country once again. [Click here to read more.](#)

## ***Highway News***

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

#### **EB 20-042 NYSDOT Asbestos Blanket Variance (BV) 14 Reopening**

*Effective Date: August 13, 2020*

Announces and makes available a NYSDOL approved reopening (revision) of NYSDOT Blanket Variance 14 that provides new abatement language associated with the use of mechanically pushed blade equipment during removal of non-friable asbestos-containing waterproof membranes from exterior bridge deck surfaces.

#### **EB 20-042 Revision to Standard Specification 402 - Hot Mix Asphalt (HMA) Pavements and New Section 404 - Warm Mix Asphalt (WMA) Pavements**

*Effective Date: January 1, 2021*

This EI transmits revisions to Section 402 – Hot Mix Asphalt (HMA) Pavements and new Section 404 – Warm Mix Asphalt (WMA) Pavements. The revision includes: Section 402: •Removed the test section requirements for both 50 and 60 Series compaction methods. •Introduced the joint density requirements. Section 404: •This allows the use of approved warm mix technologies that lowers the asphalt mixing temperatures. •It also allows mixtures to achieve higher pavement densities at lower temperatures •By heating the asphalt mixtures at lower temperatures, it lowers the emission into the air. These revisions will improve the performance of HMA pavements with the above requirements.

#### **EB 20-042 Revisions to Section 724 (Traffic Signals) Standard Specifications**

*Effective Date: August 4, 2020*

This EI transmits revisions to Section 724 (Traffic Signals) Standard Specifications. These specifications have been thoroughly revised from beginning to end and the use of consistent terminology has been improved. Signal pole and polycarbonate signal head wall thicknesses have been increased to improve structural strength. Powder coating procedures have been revised to reflect current practices. Additions to these specifications include: monotube signal pole structures, generator transfer switches, vehicle and pedestrian detectors, and more.

## **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.

### ***7th Annual National Safety Stand-Down to Prevent Falls Rescheduled for September 14-18, 2020***

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) announced that the 7th annual National Stand-Down to Prevent Falls in Construction has been rescheduled for September 14-18, 2020. While OSHA postponed the event earlier this year due to the coronavirus pandemic, the agency continues to encourage employers to promote fall safety virtually or while employing social distancing practices among small groups.

OSHA is partnering with other safety organizations in 2020 to encourage employers to provide safety demonstrations on fall protection equipment, conduct talks regarding fall-related hazards, safety policies, goals and expectations, and promote the event by using the #StandDown4Safety on social media.

"This national initiative brings much needed attention to falls, which continue to be the leading cause of fatalities in construction," said Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health Loren Sweatt. "Since OSHA began doing fall prevention stand-down events six years ago, nearly 10 million workers have been reached by our message that falls are preventable. These efforts have been successful in raising awareness of the recognition, evaluation, and control of fall hazards."

Extensive resources are available on [OSHA's Fall Prevention Stand-Down webpage here](#) and are presented in various languages, including English, Spanish, Russian, and Portuguese.

For more information, [click here](#).