



AGC NYS

Newsletter

September 17, 2020

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Industry News

The AGC NYS Virtual Auction IS LIVE 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.



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!

Join us for a Special AGC NYS Town Hall with NYS Comptroller Tom DiNapoli Thursday, September 24, 10:00 a.m. - 10:30 a.m. | REGISTER HERE

Tom DiNapoli was elected State Comptroller on February 7, 2007, by a bipartisan majority of the State Legislature. He was elected Comptroller by New York's voters in 2010, 2014 and 2018. Prior to his election as NYS Comptroller, Tom DiNapoli represented the 16th Assembly District in northwestern Nassau County from 1986 to 2006.

The New York State Comptroller is the State's chief fiscal officer who ensures that State and local governments use taxpayer money effectively and efficiently to promote the common good. Register now to hear Comptroller Tom DiNapoli's thoughts about the economy, state finances, state budget, and other topics of interest.

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 Graduates 25 in 2020 Future Construction Leaders Program

The last session of this year's class of the AGC NYS Future Construction Leaders was held online Thursday, September 3, 2020. The group heard from Human Resource specialist and consultant Gary Warner and created breakout rooms to strategize on setting goals as a construction company. We would have loved to have the group together at this year's AGC Summer Meeting and hold a formal in person graduation ceremony but COVID had other plans. We will be sure to get the group

back together again when we're able so we can offer our congratulations. This year's class was:

Gary Baron- Northland Associates, Inc.  
 Randall Berkebile- Sano-Rubin Construction Services, LLC  
 Eamon Case- BBL Construction Services, LLC  
 Kaitlin Clemente -Consigli Construction  
 Anthony D'Alonzo-Lecesse Construction  
 Brian Davis-Northland Associates, Inc.  
 Mike Gestwick-The Pike Company  
 Mike Goddard-LeChase Construction  
 Richard Homenick- Consigli Construction  
 Matthew Klingbeil - Harrison & Burrowes Bridge Constructors  
 Sean Leach - BBL Construction Services, LLC  
 Brian Maloy-James H Maloy inc.  
 John Maloy- James H Maloy inc.  
 Jonathan Martin-BBL Construction Services, LLC  
 Nicholas Martin - Turner Construction Company  
 Adam McWilliams-The Pike Company  
 David Percia-The Pike Company  
 Jace Prine-LeChase Construction  
 Colin Rostohar-BBL Construction Services, LLC  
 Frank Schwab-BBL Construction Services, LLC  
 Chris Silverthorn-LeChase Construction  
 Adam Slattery-Kubricky Construction Corp.  
 Patrick Squires-Manning Squires Hennig Co., Inc.  
 Michael Walpole -Sano-Rubin Construction Services, LLC  
 John Whittaker- Kubricky Construction Corp.

### ***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](#).

### **WEBINAR: Breaking Down the Basics of Construction Financials**

Thursday, October 15, 10:00 a.m. - 11:30 a.m. | \$35 for AGC NYS, NESCA and ECA members  
\$55 for non-members

This session will explore the importance of accurate financial reporting and the components of annual financial statements prepared in conformity with generally accepted accounting principles (GAAP). This course will also highlight the important metrics utilized by internal and external users of the financial information. In this interactive session, attendees will benefit from hearing real-life experiences and examples. After this session you will be able to answer the following questions:

*What does my banker and bonding agent look for when reviewing my financial statements?  
How do I decipher the components of a construction job schedule?  
How important are accurate cost estimates anyway?  
What do the "best in class contractor" do to get ready for year end?*

**Speakers:** Richard Bingham, Partner, CPA, CIA, CCIFP, CIT, Bonadio  
Marie Gavin, Manager, Bonadio

[Click here to register](#) with Go-to-Webinar. After registering you will be redirected back to the AGC NYS webpage for payment.

### **WEBINAR: Latest Guidance on the PPP Program**

Friday, September 18 | 9:00 - 10:30 a.m.

The Small Business Administration continues to issue guidance on the Payroll Protection Program and has started to accept forgiveness applications under the program. The webinar will update you on all the new developments and discuss the forgiveness application process. Speakers include Gretchen Guenther, Mark Vena and Leah Henderson from TBC CPA's and Schuyler Tilley from Key Bank who will discuss topics including updates on the program requirements, Review of the SBA applications, Review of the documents required to be included in the application, Discussion of FTE calculations and Q&A. CPEs offered with program. This is a FREE webinar for AGC NYS members.

**Please indicate with RSVP if you will need CPE. [Register here.](#)**

### **Your Business May Be Eligible for a Tax Credit of Up To \$5,000 Per Employee—Learn More About the "Employee Retention Tax Credit"**

#### **Employee Retention Credit (ERC) overview**

The Employee Retention Credit is a CARES Act relief measure for businesses. It is a fully refundable tax credit that eligible employers who are able to keep employees on payroll can claim.

An Eligible Employer may not receive the Employee Retention Credit if the Eligible Employer receives a PPP loan that is authorized under the CARES Act. An Eligible Employer that receives a PPP loan should not claim Employee Retention Credits. For more information, [click here](#).

### **Registration Opens for 2020 Construction HR and Training Professionals Virtual Conference**

*Pre-Conference Federal Construction HR Workshop Returns*

Registration is now open for the [2020 Construction HR and Training Professionals Virtual Conference and pre-conference Federal Construction HR Workshop](#). The workshop is scheduled for September 23 and 24, with the full conference to follow on October 6, 7 and 8. The conference and workshop are regularly pre-approved for HRCI CEU credits as well as SHRM credits through self-submission after the conference. Updates on final HRCI CEUs will be shared soon.

AGC's "HR/TED Conference" this year provides three days of education and networking for HR, training, and workforce development professionals in the construction industry. Educational sessions for training professionals cover the most cutting-edge techniques in training and development currently in use and envisioned for the future in the industry. The HR sessions help HR professionals in the industry remain up to date and compliant with employment laws and best practices. Some sessions interest both HR and training professionals alike.

Attendees can expect to walk away from this year's conference with practical skills and knowledge that they can begin to implement immediately. Plus, they can take away insights from colleagues who face the same challenges they face every day. Some sessions will interest both HR and training professionals alike. Sessions for this year will include topics such as labor and employment law updates, compensation design, workforce management during a pandemic, mental health & wellbeing, and handling politics in the workplace.

Back by popular demand is the pre-conference Federal Construction HR Workshop which will be held two weeks before the full Conference and offered as an add-on option. Designed to help staff responsible for compliance on federal and federally assisted projects, this workshop provides practical information and best-practice advice from experts and peers experienced in the area. Included in this year's workshop is a two-part (beginner & advanced) Davis-Bacon and Related Acts training, which is also available for standalone purchase. Other session topics include "A Cross-Disciplinary Approach to OFCCP's Heightened Focus on the Construction Industry" and "Federal Contractors' Ethics Obligations".

General and specialty contractor staff, AGC chapter staff, and other professionals involved in workforce and professional development, education, human resources and training are invited to attend.

### [CLICK HERE TO REGISTER](#)

For more information, contact Claiborne Guy at 703-837-5382 or [claiborne.guy@agc.org](mailto:claiborne.guy@agc.org) or Jo-Anne Torres at 703-837-5360 or [jo-anne.torres@agc.org](mailto:jo-anne.torres@agc.org).

### ***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.

## ***Government Affairs***

### **FEDERAL NEWS**

#### ***AGC NYS Members Join Congressman Chris Jacobs In Support of Scaffold Law Reform***

AGC NYS Members Gary Hill, Carley Hill, David Knauss, and Peter Romano joined Congressman Chris Jacobs in support of a new federal bill that would impose the same liability standard on federally-funded projects that is found in 49 other states. Congressman Jacobs is the sponsor of the bill. AGC NYS Vice President of Government Affairs, Walter Pacholczak was a participant.



#### ***URGENT ACTION ALERT - Federal Highway and Transit Programs Shut Down in 15 days***

*The federal highway and transit programs shut down in 15 days unless Congress and President Trump take action. Tell them to act before September 30 to avoid the potential loss of hundreds of thousands of construction jobs and the delay or cancellation of transportation projects!*

The current federal highway and transit law – the Fixing America's Surface Transportation (FAST) Act – expires on September 30. If the law were to expire, tens of billions of dollars in federal funds would stop flowing to state and local highway, bridge, and transit projects. On top of this uncertainty, our industry is already facing the

possibility of transportation construction investment cuts because of pandemic-related reductions in state and local revenues that fund these projects.

To prevent the shutdown of federal highway and transit programs, mitigate cuts to transportation construction investments, and spur the nation's economic recovery, Congress and the Trump Administration must pass and enact legislation that includes a:

- Growth-oriented and turn-key extension of the FAST Act for one year;
- Backstop federal funding to state departments of transportation and public transit agencies; and
- Provisions to ensure the solvency of the Highway Trust Fund.

[Take Action and simply submit the pre-written message](#) as is to President Trump and your members of Congress or customize it with personal information on how this issue impacts you and your employer.

### ***AGC NYS Urges Congressional Leaders to Stabilize Multiemployer Pension System***

AGC NYS and more than 300 other businesses sent a letter urging Congressional leaders to enact legislation that will stabilize the multiemployer pension system. Stabilizing the multiemployer system will protect the retirement benefits that workers and retirees have earned and encourage and incentivize employers to expand their businesses and workforce. [A copy of the letter is available here.](#)

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

### ***Council Bill Would Allow DOB to Issue Interim Certificates of Occupancy***

Councilman Robert Cornegy is sponsoring legislation (Int.2033) to allow the Department of Buildings ("DOB") to issue interim certificates of occupancy to authorize occupancy of specific floors of a building prior to completion of permitted construction work on the building. This bill would not apply to residential buildings with fewer than eight stories or four dwelling units, non-residential buildings with fewer than five stories, mixed-use buildings with fewer than four dwelling units, or parking structures. This bill would also allow for the permit holder to submit the signed statement of compliance required by section 28-118.4.2 of the Administrative Code of the city of New York. It would also require building owners to post a copy of partial certificates of occupancy and temporary certificates of occupancy in accordance with section 28-118.19 of the Administrative Code.

## ***Building News***

### ***AGC NYS' Hogan Part of Faculty for NYC Bar Association Program – Construction Contracts 101***

The New York City Bar Association held the program "Construction Projects 101: Demystifying Design & Construction Contracts for the Successful Project" again this week and, as with previous offerings of this CLE Course, Joe Hogan was on the faculty. He was the only non-lawyer on the faculty and was joined by a group of highly respected attorneys who represent owners, contractors and designers. Well over 100 young lawyers and government officials tuned in for this year's program.

### ***AGC NYS Staff and Leadership Hard at Work Preparing for This Year's Industry Conference***

#### ***A Strong Offering of Programs For Building Contractors Planned***

This year's AGC NYS Construction Industry Conference will be held December 8-10 this year and it will be virtual. We are in the process of planning a great Construction Industry Conference for this year. While it will be virtual (and partly because it will be virtual) the plans include some spectacular programs that include:

- Presentations from the 10 NYS Regional Economic Chairs discussing the market in their region
- Broader Economic Presentations from FMI and AGC of America Chief Economist Ken Simonson
- State of the Insurance and Surety Market Presentations
- How to Manage Design Delegation and Avoid the Pitfalls of Design Assist
- What are the Causes/Signs of a Contractor in Trouble
- How to Be Prepared for and Manage Subcontractor Default

And this is just a sampling. There will be much more. Stay tuned for details and registration information for this important Conference.

## **Highway News**

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

#### **EB 20-047 Special Specification for Portable Temporary Rumble Strips (PTRS)**

*Effective Date: September 9, 2020*

This EI announces the availability, for general use, of Item 619.22010014, Portable Temporary Rumble Strips.

#### **EB 20-038 Superseding Outdated Engineering Instructions**

*Effective Date: September 3, 2020*

This EB supersedes old EB's regarding transition periods that have expired, language requirement, standard vs. metric etc.

#### **EI 20-020 Revised Special Specifications 608.0105XX05 – Curb Ramp and 608.0105NN09 – Curb Ramp and New Specification 608.020X0015**

*Effective Date: January 1, 2021*

The unit costs for the smaller quantities of excavation & disposal and subbase course items used on projects limited to curb ramp construction are comparatively higher than projects using large quantities. This has resulted in large estimate and bid discrepancies. Two new General Approval Items, 608.02010015 and 608.02020015, have been created to better reflect actual costs for excavation and subbase needed for curb ramps on 1R projects and projects consisting primarily of pedestrian improvements, and the curb ramp specs (608.0105XX05 – CURB RAMP and 608.0105NN09 – CURB RAMP) were revised to incorporate the change.

#### **EI 20-019 Standard Specification 606.18 For Weak-Post Corrugated Beam Guide Rail**

*Effective Date: January 1, 2021*

Disapproves any further use of 606.16 items which were originally superseded by 606.18 items in EI 04-017.

#### **EB 20-045 Replacement Bridge Detail Sheets - Armorless Joints and Modular Joints (BD-JT1 Thru BD-JT16)**

*Effective Date: January 1, 2021*

This EB announces replacement Bridge Detail (BD) sheets for Armorless and Modular Joints.

#### **EI 20-018 Revised \$566 Modular Expansion Joint Systems, \$567 Bridge Joint Systems, and New \$705-23 Foam Supported Silicone**

*Effective Date: January 1, 2021*

This EI reduces curing time for concrete used in Modular Expansion Joint Systems, allows the use of silane to replace wetting requirement, changes armorless joints from approved systems to approved components that are combined to create a system, and creates a Materials specification for Foam-Supported Silicone, which had been a separate special specification.

#### **EB 20-040 Highway Design Manual Revision No. 94 - Chapter 16 (Full Revision)**

*Effective Date: January 1, 2021*

This EB formally posts the Revised Highway Design Manual Chapter 16. The chapter has been completely rewritten to change to US Customary units, bring into compliance with the MUTCD and many other changes that have occurred in the past decade. A future revision will be issued to combine the current Operations Work Zone Traffic Control Manual and the Highway Design Manual Chapter 16 into one cohesive standard for NYSDOT Work Zone guidance.

### **NYSDOT Launches NEW Certified Business Enterprise Tool**

The Certified Business Enterprise Viewer provides an online, searchable tool to locate and view information about Disadvantaged Business Enterprises (DBEs), Minority owned Business Enterprises (MBEs), and Women owned Business Enterprises (WBEs) certified to do business in New York State. It is a map centric way to interact with the

same data from the NYS M/ WBE Directory of Certified Firms and the UCP DBE Directory. Users can easily filter by data attributes such as commodity code, key word, and more. Users can also drop a pin, or draw a line or area of interest on a map to help identify certified business enterprises within a given distance to a project being let, and then extract the data to a CSV format to facilitate outreach. [Find more info here.](#)

[Click here to launch the Certified Business Enterprise Viewer](#)

[Click here to access the Certified Business Enterprise Viewer Help Guide](#)

[Click here to watch an overview of the Certified Business Enterprise Viewer](#)

**Disclaimer:** The information in the Certified Business Enterprise Viewer is compiled from the NYS M/WBE Directory of Certified Firms and the UCP DBE Directory. Currently, the data in the viewer is updated from the source, systems of record on a weekly basis. For questions or to provide feedback regarding the Certified Business Enterprise Viewer, please contact [civilrights@dot.ny.gov](mailto:civilrights@dot.ny.gov).

### **UPDATES: HMA Density Testing NEW FALL CLASS ADDED**

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.

- October 1-2, Online Only

**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](#)

## ***Safety News***

### ***NYC City Council Extends SST Final Training Deadline***

The New York City Council voted to extend the final SST deadline from September 1 this year to March 1, 2021. In light of the pandemic that has continued to limit the ability for workers to get to training centers, we applaud the council's decision to extend the deadline to next spring. The NYC DOB has been in support of this extension since there were rumors a few weeks ago.

In an e-mail received last evening from DOB, it was noted that this legislation will go into effect September 26 but that it is retroactive to September 1.

Given the above, DOB notes that until March 1, 2021, only the current training requirements will be enforced on sites requiring DOB-licensed safety professionals. As the full 40 hour requirement will go into effect March 1, 2021, DOB encourages workers to get that training sooner rather than later.

Worker training requirements and approved training providers, along with all things SST can be found on the [NYC DOB website here.](#)

### **2020 AGC NYS Chapter Safety Award Application Now Open**

The AGC NYS Safety Excellence Award recognizes and honors AGC NYS Members for having and implementing outstanding safety programs. Awards will be given to AGC NYS Members with excellent safety programs that meet the stringent minimum criteria, criteria which exceed industry standards, and also demonstrate excellent safety practices in the field.

Award recipients will be honored during the VIRTUAL 2020 AGC NYS Construction Industry Conference. They will also be recognized for their efforts in the winter edition of the AGC NYS Cornerstone magazine.

If your company is interested in applying for the AGC of America Safety Excellence Award, **YOU MUST APPLY FOR THE AGC NYS AWARD**. Winning applications of the AGC NYS Safety Excellence Award will be reviewed for qualifications for the AGCA Safety Excellence Award, but are not automatically enrolled. The AGCA award is based on your company's severity rate according to the National Average chart that is included with this packet. You must include those numbers on this application as well. The AGCA Safety Excellence Award program information will be mailed later this year.

Questions? Please contact Dennis Kiefer at (518) 456-1134 or via email to [dkiefer@agcnys.org](mailto:dkiefer@agcnys.org). The 2020 application is [available here](#).

### **NYSIF Policyholders May Be Eligible for up to \$500 in Credit for PPE Purchases**

New York State's largest workers' compensation carrier – the New York State Insurance Fund (NYSIF) – introduced a new COVID-19 Personal Protective Equipment (PPE) Premium Credit Program that will make it more affordable for its policyholders to get back to business. Under the new initiative, current workers' comp policyholders can earn a 5% credit of their annual premium on the purchase of PPE, with a maximum reimbursement of \$500.

The program is designed to help offset the cost of vital PPE and safety-related items needed to help protect workers from the COVID-19 virus. Eligible equipment includes masks, goggles, gloves, gowns, hand sanitizer and other COVID-19 safety related items.

NYSIF is requiring that policyholders apply for the PPE Credit online through their website. Do you have an online login with NYSIF? If so, you can easily apply for the credit by logging into your NYSIF account and [going here](#). If you do not have an online login yet, you will need to [create one here](#). In order to create your online login, you will need information that can be found on your most recent policy information pages.

Once your account is created, you will be able to go to [the PPE Credit page](#) and submit your receipts through the system. NYSIF will review the documents and apply a credit based on the findings. The credit is up to 5% of the manual premium, with a maximum credit of \$500. For more information, [click here](#).

*The AGC of NYS Safety Group #550, involves nearly 50 AGC NYS Member firms who are enrolled in the program. Loss control is provided by AGC NYS Safety & Construction Services, and the group is managed by Ross Gnesin and [G.C.G. Risk Management, Inc/NFP](#). As the insurance market continues to tighten, the AGC NYS Workers' Comp Safety Group #550 can be an attractive alternative to your current coverage.*

*The AGC Safety Group #550 in the State Insurance Fund seeks those safety-minded members who adopt our team approach to loss & control, and aggressive claims management. All claims are filed through the offices of GCG Risk Management, Inc., which utilizes a self-pay medical program for small claims, improving both the experience rating of the member, and dividend performance for the entire group. As specialists in the Workers' Compensation field for decades, GCG/NFP brings an approach which goes well beyond the traditional insurance broker. In fact, our member's insurance agents use us as a resource to protect their investment in their client's performance. With the combination of a 25% discount, most recent dividend of 35% (with an average dividend of nearly 30% over our history), members of AGC Safety Group #550 are saving over 50% on their premiums ANNUALLY.*

*To learn more please contact our office or [visit G.C.G.'s website](#).*