



# AGC NYS

## Newsletter

### November 12, 2020

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of New York State  
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### UPCOMING EVENTS

#### November

- 12 [WEBINAR: Understanding Construction Job Costing and Overhead Allocation](#)
- 17 [Becoming a Notary Public - Online](#)

#### December

- 1 [Handling OSHA Inspections Course - Albany](#)
- 8-10 [2020 VIRTUAL Construction Industry Conference](#)

### Industry News

#### ***The 2020 Construction Industry Conference Registration is LIVE***

The 2020 Construction Industry Conference will be conducted as a virtual event from December 9-10. We're excited to bring our members and industry partners a dynamic two-day event through AccelEvents, with a full two-day trade show. Committee meetings will be hosted earlier in the week, sessions and expo will take place after and be available for replay after the event. Please take a look through the [schedule of events, sponsorship opportunities and exhibitor information](#) to see how you can best take advantage of this exciting virtual event. We look forward to updating you with more sessions—and seeing you, virtually in December! For registration, [click here](#).

#### ***Potential Construction Impacts as "Cluster Zones" Identified***

[Governor Cuomo announces updated COVID-19 Micro-Cluster Focus Zones. Red, Orange, and Yellow Zones Guidance Cluster Action Initiative](#)

#### **What you need to know:**

**Red Zone "Cluster"** - All non-essential businesses shall reduce in-person workforce by 100%.

**Orange Zone "Warning Zone"** - Certain non-essential business shall reduce in-person workforce by 100%.

**Yellow Zone "Precautionary Zone"** - Activity restrictions only

Construction has been listed by Empire State Development as Essential, specifically defined as: Construction projects may continue, but any work that can be done remotely such as office-based work must proceed remotely, to the extent practicable. Employees/personnel who are not directly involved in in-person work at the business location/construction site are prohibited.

If you have active worksites in designated Red, Orange or Yellow Zones, be aware of the possible impacts – including reducing non-essential field staff at the job site.

#### ***NYS DEC Updates and Streamlines DERA Reporting***

As reported in the NYS Register, the NYS DEC updated the DERA regulations (Part 248) and reduced the amount of information required to be submitted each year. We want to thank the NYS DEC for their responsiveness to the construction industry concerns. For more information, [click here](#).

### **Gov. Cuomo Announces New Guidelines for Out-of-State Travelers**

#### *Exemptions Continue for Essential Workers*

On Saturday, October 31, Gov. Andrew Cuomo announced new guidelines allowing out-of-state travelers to New York to “test out” of the mandatory 14-day quarantine. Travelers from states that are contiguous with New York will continue to be exempt from the travel advisory; however covered travelers must continue to fill out the Traveler Health Form. Essential workers will continue to be exempt as well. The new protocol is effective Wednesday, November 4. For more information, [click here](#).

### **WEBINAR: The Case For Lean Collaborative Delivery**

Tuesday, November 17 | 4:00 p.m. - 6:00 p.m.

#### **Registration Fees:**

Flat Rate - \$25.00

Student - free

[REGISTER HERE](#)

This collaborative virtual presentation will focus on the current state of the industry while showcasing Lean alternatives to both project design and overall project delivery. Be prepared to engage with your peers in group breakout rooms while discussing two case studies that will be presented outlining highly collaborative project deliveries and their outcomes. Hear and learn how a fully integrated team utilized Target Value Design and Lean delivery to design and construct a new 250,000 SF Hospital in 27 months at a construction cost 25% below the prevailing market. Join us to find out why owners, architects, engineers, and constructors are forging ahead with Lean. Attendees will learn how to use this compelling information as a call to action, and a way to change the project mindset for the better. They will leave the event with an understanding of how to get started, and the best way to tell the story.

#### **Specific topics that will be discussed:**

- Current state of the industry
- Define the opportunities to improve
- Viewing an entire project delivery team as a network of customers.
- Applying Lean to create a new framework for delivery
- Case Study 1: Banner Boswell Medical Center
- Case Study 2: Henderson Hospital.
- Surveys of other collaborative Lean deliveries
- Discussion
- Plus/Delta

### **WEBINAR: Understanding Construction Job Costing and Overhead Allocation**

Thursday, November 12 | 2:00 p.m. - 3:30 p.m.

This session will focus on the importance of accurate job costing. Done right, job costing can lead to accurate estimates and more revenue. Equipped with a thorough understanding of your costs, you will be able to better plan your jobs, negotiate contract terms, and change orders.

- After this session you will be able to answer the following questions:
- Why is job costing important?
- How often should job cost reporting be completed?
- What are the differences between direct, indirect, and SG&A costs?
- How can I allocate indirect overhead costs to my jobs?

**SPEAKERS:** Kait Bloss, CPA, Principal, Bonadio and Jared Amyot, CPA, Principal, Bonadio

**FEE:** \$35 for AGC NYS, BCA, ECA or NESCA Members and \$55 for Non-members

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

### ***UNiDAYS Offering Student Discount on Cell Service Through Verizon Wireless***

Get up to \$25 off per month with two lines on a Get More, Do More, Play More or Unlimited Plan through Verizon Wireless with a UNiDAYS account.

#### **If you already have an UNiDAYS account:**

1. Go to [vzw.com/students](http://vzw.com/students).
2. Under "Verify your eligibility," click the UNiDAYS link.
3. Log into your UNiDAYS account and follow the prompts.
4. After verification, you'll be directed to the Verizon Student Registration page. To register your existing account, select "Register or Validate now," and use your My Verizon login info. To register for new service, select "Shop now," then complete your new purchase order.

**Please note:** You must return to the Verizon site to complete enrollment and receive your discount.

#### **If you don't have an UNiDAYS account:**

1. Go to [vzw.com/students](http://vzw.com/students).
2. Under "Verify your eligibility," click the UNiDAYS link.
3. Create an UNiDAYS account.
4. Follow the prompts to complete the validation questions.
5. After verification, you'll be directed to the Verizon Student Registration page.

To register your existing account, select "Register or Validate now," and use your My Verizon login info. To register for new service, select "Shop now," then complete your new purchase order. **Please note:** You must return to the Verizon site to complete enrollment and receive your discount. You'll receive a confirmation email once the discount has been added to your account.

## ***Government Affairs News***

### **STATE NEWS**

#### ***Ballot Counts Will Determine Undecided Races for Congress, State Senate, and Assembly***

With a surge of early voting and Republican candidates outperforming expectations, ballot counts will determine the undecided races for Congress, State Senate, and Assembly. [The unofficial early voting and Election Day results are available here.](#) According to the NYS Board of Elections, more than 1.5 million absentee ballots have been returned by voters with 933,000 of these were filled out by registered Democrats, and 264,000 by registered Republicans.

**Congressional races to watch:** NY-2 (LI); NY-11 (SI, BKLYN); NY-22 (Utica). **State Senate races to watch:** SD-22 (BKLYN); SD-38 (HV); SD-40 (HV); SD-41 (HV); SD-42 (HV); SD-50 (SYR); SD-53 (SYR); SD-56 (ROC). **Assembly races to watch:** AD-46 (BKLYN); AD-97 (HV); AD-135 (ROC); AD-143 (BUF).

### **FEDERAL NEWS**

#### ***Congressman Jacobs Calls on Governor Cuomo to Reform Scaffold Law***

Congressman Chris Jacobs (NY-27) sent a letter to Governor Cuomo urging him to include Scaffold Law reform in his next budget proposal. Specifically, Congressman Jacobs called for implementing a comparative liability standard for gravity-related injuries. "Reforming the burdensome Scaffold Law is long-overdue in New York State. As we are staring down a massive budget deficit and a stalled economy, reforming this archaic law is an excellent first step," Jacobs said.

Congressman Jacobs introduced the Infrastructure Expansion Act in September. This legislation would exempt federally funded projects from the Scaffold Law and instead require a comparative liability standard for gravity-related injuries. Because the Scaffold Law is a state law, a bill passed by the New York State Legislature and signed into law by Governor Cuomo would be the most direct way to repeal or reform it.

AGC NYS supports the Infrastructure Investment Act and commends Congressman Jacobs for his efforts to reform New York's scaffold law. [A copy of Congressman Jacobs letter to Governor Cuomo is available here.](#)

### ***Biden-Harris Transition Team Announces Members of Agency Review Teams***

The Biden-Harris Transition announced key members of the agency review teams (ARTs), which are responsible for evaluating the operations of the federal agencies. The ARTs will proceed by meeting with former agency officials and experts who closely follow federal agencies, and with officials from think tanks, labor groups, trade associations, and other NGOs. Once the United State General Services Administration Administrator ascertains the results of the election, the ART members will work directly with staff in federal agencies. [The list of ART members is available here.](#)

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

### ***Comptroller Stringer Renews Call to Restart Lagging New York City Capital Program***

New York City Comptroller and Mayoral hopeful Scott M. Stringer sent a letter to Mayor Bill de Blasio renewing his call to re-start the New York City capital program. Comptroller Stringer urged City Hall to release an Adopted Budget capital commitment plan that will invest now to enhance the state of good repair of our buildings, infrastructure, and equipment, improve delivery of City services, and grow our struggling economy. This follows the Comptroller's previous letter to Mayor de Blasio in May, which outlined how the capital program's long-term benefits – including job creation, economic opportunity, and continued capital investment – would help jumpstart our economic recovery.

## ***Education News***

### ***AGC Future Construction Leaders Program is Now Accepting Nominations***

The 2020-2021 [nomination/registration form](#) is now available online for the "members only" AGC NYS Future Construction Leaders Program. This is our 22nd year hosting the program that offers attendees the opportunity to learn, in a structured environment, what they might otherwise spend years learning from personal experience. The first session will be held in person on December 16-17 in Albany, NY.

AGC NYS Contractor and Associate Members, AGC staff, and other industry experts will address the FCLNYS group on a variety of topics, such as: Introduction to AGC of NYS, AGC of America and other industry associations, Design, subcontracting, and other industry issues, Business management issues, Employer and labor relations issues, Bonding and insurance basics, Project delivery systems, Construction contract documents, Dispute resolution options, Work Compensation and Risk Management, Marketing & Business Development, Partnering and Specification Review, Basics of NYS government, state contracting agencies, bidding procedures, legislative issues, and Human Resources Issues specific to our industry. **SPACE IS LIMITED.** [Click here to learn more and download a nomination form.](#)

### ***AGC Student Chapter, SUNY Delhi Looking for AGC Members to Host Internships***

SUNY Delhi who has been turning out some of the top construction management students in the northeast is in search of a few AGC NYS member firms who would like to host some of their students for a 2021 Summer-Fall internship program this coming year (May/June-December). If the intern works out, many of the students will be finishing up their bachelors degree with this internship and graduating in December 2021.

SUNY Delhi prides itself on their hands on approach to learning where their students physically build in labs to reinforce their coursework. SUNY Delhi has an average class size of 50 students and requires an 800 hour Internship (traditionally during their Junior year) as part of our graduation requirements. The intent of the internship is for the students to experience multiple sides of the construction industry.

In order to ensure this, they require that they complete at least 100 hours in four of the following categories: field supervision, estimating & cost control, scheduling & planning, surveying / site layout, hands-on building experience, project engineering, documentation and procurement. The balance of the hours can be filled in any category.

If your company is looking for interns for the upcoming year, traditional start times are January and May, please reach out to the Internship Coordinator, Sarah Poole at [poolesa@delhi.edu](mailto:poolesa@delhi.edu).

### **Online LEAN Construction Training Set for January 2021**

A new round of LEAN Construction Education Training will be held online via zoom with instructor Colin Milberg. Lean Construction is based on the holistic pursuit of continuous improvements aimed at minimizing costs and maximizing value on a construction project: planning, design, construction, activation, operations, maintenance, salvaging, and recycling. The sessions will meet from 12pm to 3pm EST on Tuesdays and Thursdays beginning January 12, 2021. The course requires you to use a PC or Mac (no tablets or phones) with a webcam and mouse. [Click here for more details and a registration form.](#)

## **Building News**

### **AGC NYS Members and Staff Meet With NYC DOB**

A groups of AGC NYS Members from the NYC Committees along with AGC NYS Staff [held a very good meeting](#) last week with the Commissioner and Senior Staff of the NYC Department of Buildings (DOB). We were joined by a group from ABC. We have very good discussions about the upcoming release of their DOB NOW system for online access to DOB for a variety of key interactions. Stay tuned for training opportunities for the system.

We also received a Code revision update, heard some very positive results relative to the COVID-19 protocols rollout and discussed their plans for GC Licensing legislation. On that latter point, AGC NYS has some concerns and will review the language/details when provided. AGC NYS will update FastFacts with the new version of Chapter 33 as soon as the new code is released.

We discussed at length the various recommendation AGC NYS made relative to the stop work order process. They noted that there will be some guidance released in the 1st quarter of 2021 that will offer some insight into the issues which typically result in SWO's. They also noted that a web portal is being created to allow for SWO lift requests. Mobile devices will soon be in the hands of inspectors to assist in the process. There are more issues to discuss further including our request for closing conferences and issues related to electronic plans and specs on site.

Some recent issues of superintendent licensing renewals that we had been reporting appears to be a temporary glitch in the system that is being repaired.

### **Great Building Construction Content On Tap for This Year's Construction Industry Conference**

We am particularly excited about [the programs we have put together](#) that will be of particular interest to principals and management staff of Building GC's. Besides the multiple programs that will look at market issues – which may be reason enough to sign up - there are a number of other programs on key topics of importance as well.

The programs include:

- The Post COVID Outlook for the US and NYS – with AGC of America's Chief Economist and some key voices relative to NYS
- Market Outlook: A view from Industry Insiders... - Includes views from private college, manufacturing, affordable housing, healthcare, hospitality & tourism, retail food and K-12 public schools
- The Post-Covid Construction World – A Strategic and Tactical Response to the New Normal – FMI
- Insurance – What You Need to Know ...
- The Current State of the Surety Market
- Design Assist and Design Delegation – This is particularly geared to PM's to ensure they know the rules
- Why Contractors Fail - (and how to recognize the signs)
- Preparing for and Addressing Subcontractor Failures

As you can see, we have a lot of great content. While the need to go virtual has its drawbacks, it has advantages as well. For you and your staff, it will allow you to take part in receiving key information without the need to

physically travel to the event. In addition, you don't even need to be there for every live program. While that will mean that you won't be able to ask questions, the programs will be available to registrants later for viewing. We would none-the-less encourage taking part in the live event where possible as the networking opportunities and trade show has great value as well.

### ***Drop In Nonresidential Construction Offsets Most Residential Spending Gains As Growing Number Of Contractors Report Cancelled Projects***

A small increase in total construction spending in September masked a widening gap between declines in most nonresidential segments and robust gains in residential construction, according to an analysis by the Associated General Contractors of America of government data released today. Association officials warned nonresidential construction is headed for an even steeper slump unless officials in Washington enact relief promptly, noting that their latest industry survey found three out of four respondents had experienced a postponed or cancelled project since the start of the pandemic.

"The September spending report shows the gulf between housing and nonresidential markets is growing steadily wider," said Ken Simonson, the association's chief economist. "In our October survey, 75 percent of respondents reported a postponed or cancelled project, up from 60 percent in August and 32 percent in June."

Construction spending in September totaled \$1.41 trillion at a seasonally adjusted annual rate, an increase of 0.3 percent from the pace in August and 1.5 percent higher than in September 2019. Private and public nonresidential spending slumped by a combined 1.6 percent since August and 4.4 percent from a year earlier, while private residential spending climbed by 2.8 percent for the month and 9.9 percent year-over-year.

## ***Highway News***

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

#### **EB 20-055 MURK Part 1A Contract Administration Manual (CAM) - Section 109-07 Prompt Payment**

*Effective Date: October 23, 2020*

Sections 13.3.3 and 13.3.4 of Chapter 13, Civil Rights Requirements, is being modified to remove and replace language to the Local Projects Manual (LPM) and, thereby, provide additional references to NYSDOT's ADA Transition Plan and NYS Highway Laws clarifying the Sponsor's responsibilities.

#### **EB 20-055 MURK Part 1A Contract Administration Manual (CAM) - Section 109-07 Prompt Payment**

*Effective Date: October 23, 2020*

As a result of an FHWA Audit, the Contract Administration Manual (CAM) Section 109-07 Prompt Payment is being updated.

#### **EB 20-056 Project Development Manual, Appendix 11 - Reevaluations**

*Effective Date: November 11, 2020*

To announce the full revision of PDM Appendix 11 – Reevaluations.

## **Safety News**

### ***Congratulations to the Recipients of the 2020 AGC NYS Chapter Safety Award***

The AGC NYS Safety Excellence Award recognizes and honors AGC NYS Members for having and implementing outstanding safety programs. This year, winning firms will be honored with their awards during the 2020 Virtual Construction Industry Conference. These firms demonstrated excellent safety programs that meet the stringent minimum criteria, criteria which exceed industry standards, and also demonstrate excellent safety practices in the field. Congratulations to:

Andron Construction Corp.  
 BBL Construction Services, LLC  
 Bette Cring, LLC  
 Charles A. Gaetano Construction Corp.  
 EW Howell Company, LLC  
 Hueber-Breuer Construction Co., Inc.  
 Lehigh Construction Group, Inc.  
 Turner Construction Company  
 Wainschaf Associates, Inc

### ***AGC NYS's Safety Committee Scheduled to Meet December 1, 2020***

The next AGC NYS safety committee meeting will be held on December 1, 2020 at Eastern Contractors Association (ECA) office located at 6 Airline drive in Albany. The meeting is scheduled to run from 12:00 – 1:30 pm. If you are not currently a member of the AGC NYS safety committee, we encourage you to get involved. This group has really grown over the years and we are fortunate to have a talented group of safety professionals. We believe the efforts of the group have provided real dividends for the participants so please consider getting involved.

The group will be meeting in person but if you would prefer to link into the meeting through Zoom, that is also an option. If you are not currently a member of the AGCNYS safety committee and you are interested in being a part of this group, please contact Bryanna Kiselauskas at [bryanna@agcnys.org](mailto:bryanna@agcnys.org). Bryanna will add your information to our distribution list and forward you additional details regarding our upcoming meeting. If you have any additional questions regarding the safety committee meeting scheduled for December 1, 2020 in Albany, please contact Jim Redmond at 585-370-1853 or Dennis Kiefer at 518-376-8221.