

# THE FLOW

APRIL 2018

## Upcoming Events

April 3rd  
**Golf Tournament**  
**St. Johns Golf,**  
**205 St. Johns Golf Drive**  
**St. Augustine (Off 210)**  
**Registration Opens: 9:30 am**  
**Start: 11:30 shotgun**

## May 17th



**Jacksonville Jumbo**  
**Shrimp Night**  
**6:00 pm Dinner**  
**at Intuition Ale Works**  
**Game time: 7:05 pm**  
**Cost: \$20 per person**

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## 2018 OFFICERS & BOARD OF DIRECTORS

### EXECUTIVE COMMITTEE

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Mike Kivlin, John Woody, Inc.

President-Elect

Tim Clay, Petticoat-Schmitt Civil Con.

Vice President I

Chad Cockrell, A. J. Johns, Inc.

Vice-President II

Gabriel Powers, Vallencourt Construction

Secretary/Treasurer

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General Counsel

Tony Zebouni, Regan, Whelan, Zebouni &

Atwood

### BOARD OF DIRECTORS

Drew Ayers, Vulcan Material Company

Rick Erickson, Beard Equipment Company

Mike Gruber, Engineering Consulting Svcs.

Billy Hood, J. B. Coxwell Contracting

Drew Lane, Advanced Drainage Systems

Jason Plauche, Petticoat-Schmitt Civil Con.

Jarod Wolford, Martin Marietta Materials

Jon Woodall, John Woody, Inc.

Mike Woodall, John Woody, Inc.

### PRESIDENT'S MESSAGE

Dear Friends,

Can you believe that we've made it through the 1<sup>st</sup> Quarter of 2018 already? Time sure flies when you're having fun! Thank you to all of our monthly sponsors for your continued support.

A few weeks ago, we lost our great friend Ted Turnbeaugh. Ted exemplified what it meant to be a member of this association. Chairing the Scholarship Committee, and also the Golf Committee in the past, Ted was always involved and could be counted on for just about anything and everything. He will be missed greatly.

At our board meeting on March 15<sup>th</sup>, we had Anthony Crocco from Metro Study come and give a presentation to our membership. He shared a lot of valuable information with us, and provided great insight for what to expect in our local housing industry. We also had the pleasure of meeting a candidate for Circuit Judge, Collins Cooper. Thank you to all for coming out and participating.

On April 3<sup>rd</sup>, NUCA of North Florida will hold its annual Golf Tournament. I look forward to seeing you all out there. Our next Board of Directors meeting will be held on May 17<sup>th</sup>, and we will hold our Jumbo Shrimp Baseball Night that evening as well. Don't forget to book your rooms and register for the NUCA of Florida Conference which is being held at The Ocean Reef Club on July 12<sup>th</sup> – 15<sup>th</sup>. This event is great for networking, and is always very informative. Space will fill up quick, so hurry up and register!!!

As always, please continue to support our members and associates. If there is anything I can do to help you out, please do not hesitate to give me a call.

Sincerely,



Mike Kivlin

2018 NUCA of North Florida

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**CALENDAR OF EVENTS**

April 10th  
**Executive Committee**

May 8th  
**Executive Committee**

May 17th  
**Board of Directors**  
**Intuition Ale Works**

May 17th  
**Jumbo Shrimp Night**  
**Baseball Grounds**

May 22nd to 24th  
**NUCA Washington Summit**

July 12 to 15th  
**NUCA of Florida Conference**  
**Ocean Reef**  
**Key Largo, FL**

August 25th  
**Fishing Tournament**  
**St. Augustine**

# The Law and Your Business—**Public Procurement**

By Anthony (Tony) Zebouni

Public procurement for construction and design services in Florida contemplates a variety of procurement options. The procurement of certain design and related services is addressed in the Consultants Competitive Negotiation Act (Ch. 287, Florida Statutes). Public construction services, beyond a certain threshold amount, must be obtained by competitive award. Not too many years ago, competitive award entailed the advertising of an Invitation to Bid or Request for Proposal. Approximately thirty years ago Design-Build contracts were advertised, and the award could be accomplished by the competitive selection/negotiation process or via competitive proposal process. Piggy-back contracting became a common procurement option that allowed Florida governmental entities the ability to piggy-back contracts that were competitively awarded, assuming the local ordinance or procurement code allowed for that procurement process.

The State and many of its agencies and departments are now employing an Invitation to Negotiate (ITN), as a method to obtain services. The ITN process and procedures are not uniform and vary from one governmental entity to the other. Currently, the City of Jacksonville Purchasing Code does not include ITN as a recognized procurement option. Many governmental entities require a ranking of qualified “proposers” and then a second phase in the award process wherein the short-listed entities provide a best and final offer (BAFO) for the services being advertised. At least one public entity’s procedure specifies that cost (price) is the only criteria (100%) but retains the discretion to accept the initial price or go to the second round to obtain a BAFO, or to not allow all the sort-listed proposers the opportunity to provide a BAFO. The price that a bidder/proposer obtains for inclusion in its bid/proposal, could be subject to significant change in a short period of time because material prices are time sensitive. A governmental entity that employs an ITN but elects to avoid the BAFO process could be considered “proposer shopping” and circumventing the stated intent of the ITN process to obtain the best and final offer.

It is not likely that a “specification” protest or an “award” protest would be successful in court unless a violation of the non-ex parte communication provision or some fraudulent wrongdoing by the governmental staff could be proven. It is important that you are aware of the procurement rules and if you are concerned about the process, you may inquire at the pre-bid meeting of the exact procedure that the governmental entity will be following and have the response included in any addendum issued prior to submission of your bid/proposal.

## NUCA CONVENTION HIGHLIGHTS

The first week of March, several members of our chapter attended the NUCA Convention in San Antonio, Texas. The convention kick-off on Tuesday with committee meetings followed by the Board of Directors meeting. Tuesday night's Welcome Reception was held at the A T & T center where we watched the San Antonio Rampage vs. Chicago Wolves Hockey team.

Wednesday started with a Annual Meeting and keynote speaker Chef Jeff Henderson followed by the opening of the Exhibit Hall. During some free time, our group took a sightseeing ride on a double-decker bus to see some of the sights followed by a tour of the Alamo. The Team building Chili Cook Off Challenge completed the days events.

Thursday included two excellent speakers, Mark Bridgers on the 2018 Utility Infrastructure Economic Forecast and Gene Marks did a presentation of Tech 2018. In-depth education sessions followed in the afternoon and the day concluded with Executive Roundtables.



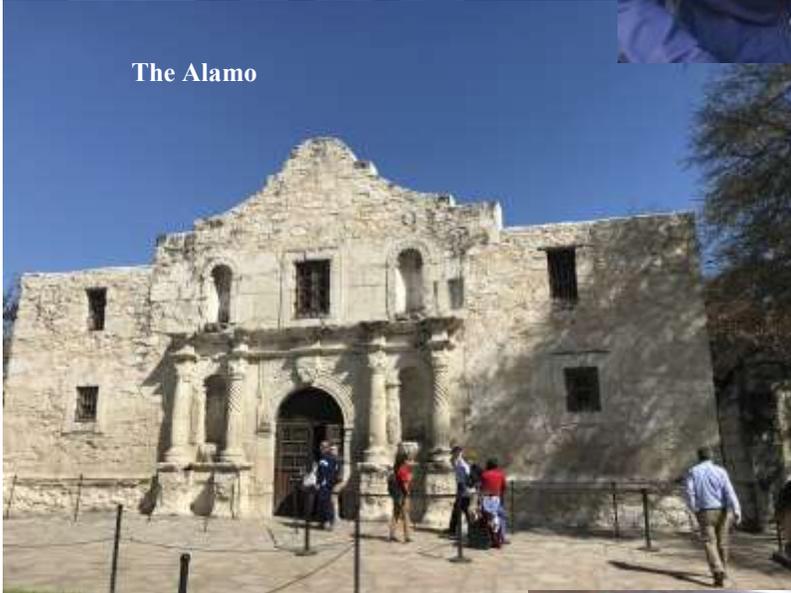
# NUCA CONVENTION PHOTOS



Chapter Award Winners from Florida, Johnna Venuti-Piggee, Bill Bocchino & Theresa Mannix



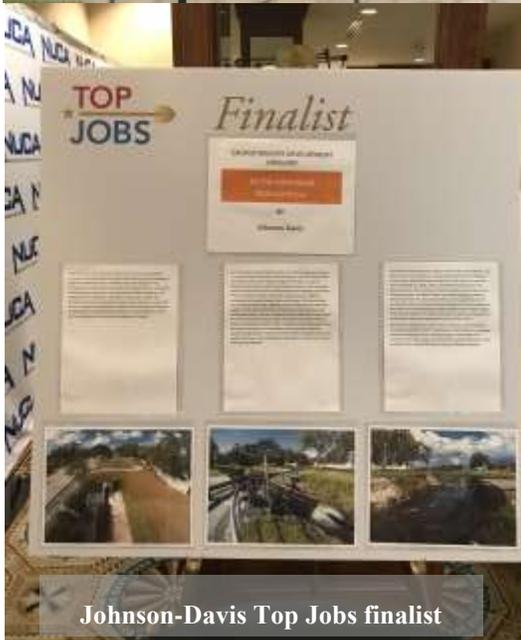
A little R & R on the Riverwalk



The Alamo



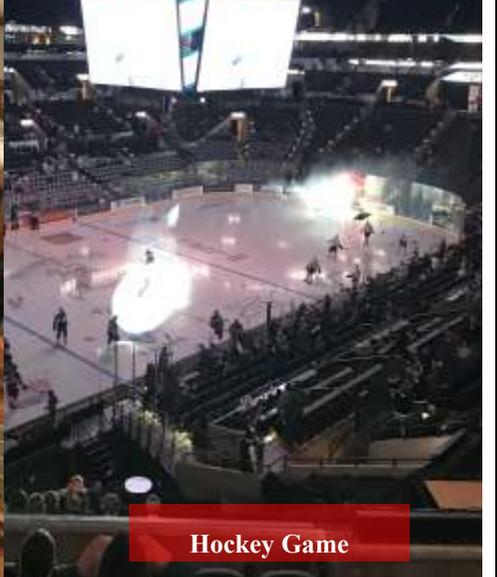
Exhibit Hall



Johnson-Davis Top Jobs finalist



Chili Cook-off



Hockey Game

## MARCH MEETING HIGHLIGHTS

We had over 50 people come out to hear Anthony Crocco, Metrostudy's presentation at Dave & Buster's on March 15th. Anthony's presentation was an Executive briefing on the Jacksonville housing market. Members who were unable to attend can get a copy of the presentation emailed to them by sending an email to [nucanf@gmail.com](mailto:nucanf@gmail.com).

Candidate for Circuit Judge Collins Cooper was also in attendance with his wife and young daughter.

If you have any topics that you would like to see presentation, please contact Kathy via email or by calling the office.





### **OSHA to Consider Changes to Silica Rule**

Due to the fact that the rule is extremely detailed and complex, a representative of DOL [will](#) examine the rule, with a focus on [Table 1](#). NUCA's VP of Safety George Kennedy would like to hear from you: Should any other specific operations be included on an updated Table 1? [Tell George](#) what you think.

### **Keep Your People Safe on the Roads**

This April, the National Safety Council is sponsoring Distracted Driver Awareness Month (DDAM). Last year there were over 40,000 people killed on our nation's roadways - a 6% increase from 2015. Do your part to make sure that your family, friends, and employees do not become one of those statistics. Go to NSC's [DDAM page](#) for more information and resources.

### **OSHA to Hold 5<sup>th</sup> Fall Prevention Stand Down May 7-11**

The goal of the stand down is to raise fall hazard awareness and prevent fall fatalities and injuries. Falls are a leading cause of death for workers, accounting for 370 of the 991 construction fatalities, and 697 of the 5,190 fatalities in all industries in 2016 (BLS data). Read more [here](#).

### **Toolbox Talks: First Aid**

Keep your crews safe! Have you seen our First Aid Toolbox Talk? Toolbox Talks are free to members and can be downloaded from our website. They are available in both English and Spanish.

# **Trench Safety Stand Down**

**Sponsored by NUCA and the Safety Ambassadors Club**

**The 2018 Trench Safety Stand Down will be held  
June 18-23**



NUCA OF FLORIDA

# 2018 ANNUAL CONFERENCE

*Evacuate  
to  
Ocean Reef*

**JULY 12-15, 2018**

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# SAFETY NEWS

By Jeff Blomgren

## PREVENTING BACKOVER INCIDENTS

Back over related fatalities from 2011-2015 (nearest available information from the bureau of labor statistics) has averaged 65 a year. So far there is no Federal regulation related to backing other than OSHA's Logging regulation, (1910.266) which requires drivers to confirm that no one is in their path before starting or moving their machines. Virginia and Washington are the only two states that have backing regulations, however, there are recommended safety procedures connected with backing operations that any employer can use to prevent backing incidents. Most employers will use a spotter for backing operations but that also puts a spotter in a position to be run over unless they are well trained and there are procedures in place to protect the spotter and prevent spotters from becoming victims of backing incidents.

- Employees should not rely totally on back up alarms for protection from backing incidents.
- Drivers should be sure rear view mirrors are functioning, not broken or missing or dirty.
- Spotters should wear hi visibility PPE, Type II or Type III vests and light wands or flashlights for low light conditions and flags for daylight.
- Ensure that drivers and spotters have coordinated on hand signals.
- Drivers should remain in visible contact with a spotter while backing and should stop immediately if they lose visible contact.
- Spotters should not be given additional duties when assigned to backing operations.
- Cell phones or electronics should never be allowed on the spotter when a spotter is required.
- Drivers should turn down radios and roll down the window to hear any verbal commands.
- Cell phones must not be used by drivers while moving.
- Back-up cameras are recommended.

Following a few basic prevention guidelines and establishing a policy for backing operations can greatly reduce the chance of a back over incidents.

# FREE MONEY FOR COLLEGE

**Do you have a son or daughter currently in college or ready to start college in the Fall? NUCA of North Florida, Inc. has the following scholarships available:**

**Mike Allen Scholarship** is for any high school Sr., High School graduate, Undergraduate College Student or Graduate Student who is the daughter or son of a NUCANF member company employee, and will be enrolling full or part time in an academic institution of higher education, beginning in September. The enrollment may be in any curriculum for any number of years. This may be a four-year college or a community college anywhere in the United States. The Mike Allen Scholarship is a \$1,000 one-time award. Special consideration will be given for those pursuing degrees in a construction related field. You can get an application on line at the bottom of the page at [nucanf.com](http://nucanf.com) on the bottom of the home page, click 2018 Application for Students in Undergraduate/Graduate Programs. Call the NUCANF office at (904) 296-1230 if you have questions. **Application deadline is June 15<sup>th</sup>.**

**J. Richard Baker** is for any high school student or high school graduate who is the daughter or son of a NUCANF member company employee, and will be enrolling full or part time in an academic institution of higher education, beginning this summer/fall. The enrollment may be in any curriculum for any number of years. This may be a four-year college or a community college anywhere in the United States. The J. Richard Baker Scholarship is a \$2,000 one-time award. You can get an application on line at the bottom of the page at [nucanf.com](http://nucanf.com) on the bottom of the home page, click 2018 Application for New College Students. Call the NUCANF office at (904) 296-1230 if you have questions. **Application deadline is Friday, June 15<sup>th</sup>.**

**NUCA Scholarships** Funded by the NUCA Foundation for Education and Research, four scholarships are available ranging from \$1,000 to \$8,000. Any high school senior whose parent or legal guardian is employed by a NUCA member company in good standing at the time of the application deadline may apply. Student employees, including part-time employees, are also eligible. The applicant must be graduating from high school in 2017 and enrolling full time in an accredited two-year or four-year college or university for his or her freshman year beginning in the fall of 2017. You can get an application on line at <http://www.nuca.com/scholarships>. **Application deadline is May 25<sup>th</sup>.**

**Andrew Scott Johnson Memorial Scholarship** is also available from our state office, NUCA of Florida. Any seniors in high school or any student pursuing an undergraduate degree are eligible. Previous recipients may reapply. This scholarship is available to all NUCANF member firms. Applications will be available soon. Please contact the NUCA of Florida office at (850) 514-5183 to get an application or additional information.



## IN MEMORY OF TED TURNBEAUGH



Ted Turnbeaugh, Fortiline Waterworks passed away on March 14th.. Ted had been an active member of NUCA of North Florida for many years. The position he most recently held was Chairman of our Scholarship Committee. In the past, Ted had served as Golf Chairman and was a member of the Board of Directors for a number of years.

Ted was Convention Chair for our state association several times. One of his most memorable conventions was the Kentucky Derby held at the Sawgrass Marriott . His knowledge, dedication and service to our industry will be greatly missed. We send out condolences to his wife Rene and son Teddy.. A celebration of Ted's life will be held at a later date.

Four fishing lures are arranged horizontally on a wooden surface. From left to right: a blue and silver lure with a green eye, a white lure with a red eye, a white and red lure with a yellow eye, and a silver lure with a red stripe and a black eye. Each lure has a hook attached to its bottom.

SAVE THE DATE

FISHING TOURNAMENT

August 25, 2018

Northeast Florida Marlin Assoc.

St. Augustine

# BOARD MEMBER SPOTLIGHT



**Meet Drew Ayers, , Northeast Florida Aggregate and Sand Sales Rep. for Vulcan Materials Company. Drew joined the NUCA of North Florida Board of Directors in January.**

**Tell us about the services your company provides.**

**Vulcan Materials is a construction aggregates and services company. In Northeast Florida we are able to supply aggregates, sand and material transportation.**

**What is your business philosophy?**

**My personal business philosophy is to help build a stronger and more sustainable marketplace. I strive to be a responsible competitor and to form lasting relationships.**

**What are your hobbies or interests outside of work?**

**I have a 2 year old son, so I don't have many hobbies outside of being a dad. I enjoy playing golf in my free time. I also own multiple guitars and like to play from time to time.**

**What is your favorite travel location?**

**Western Kentucky is close to my heart and is my favorite place to visit and vacation.**

**If you could have dinner with anyone, living or deceased, who would it be and why?**

**I'm a big Joe Rogan fan. I think dinner and maybe some seats to a fight would be just about a perfect night.**

**What are you currently reading?**

**I am currently reading Tribe of Mentors by Tim Ferris.**

**Grill Master or Reservations**

**Grill Master**

# APRIL FEATURED SPONSOR



Celebrating its 10<sup>th</sup> anniversary, Petticoat-Schmitt Civil Contractors, Inc. has become one of Northeast Florida's leading construction companies in the civil contracting industry. Its highly qualified teams specialize in clearing, grading, storm drain, water systems, sanitary sewer, roadway construction, and water & wastewater treatment plant construction. PSCC's talented construction staff brings years of experience to every project, across all civil arenas – public or private, heavy highway, commercial, residential or utility mainline - providing owners with a professional project

management presence. With a list of successful projects from \$100,000 to \$17,000,000, Petticoat-Schmitt is well qualified to take on projects in a wide range of sizes and scopes.

Petticoat-Schmitt Civil Contractors, Inc. performs work has delivered projects through traditional Design-Bid-Build, Design-Build, and Construction Management methods. Petticoat-Schmitt is one of the few underground utility and roadway contractors in Northeast Florida to have a LEED AP on staff.

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The company performs construction throughout the Southeast. Its mission is to provide quality and timely infrastructure solutions, a high level of customer service, and a safe and rewarding workplace.

Petticoat-Schmitt is distinctively qualified within the civil construction marketplace. Our experienced teams are cross trained giving us the unique ability to self-perform essentially all major work components of a project including the civil/site, concrete placement, both above and below ground piping, and equipment installation.

Members of Petticoat-Schmitt have been highly involved in the promotion and the support of the construction industry on many levels since 1995.

- Ryan Schmitt, President - is a past president of NUCA of North Florida, past President of NUCA of Florida and two-time Chairman of the NUCA National. He is also the Chairman for Seamark Ranch.
- Lauren Atwell, Vice President - has served two-times as President of NUCA of North Florida and one term as President for NUCA of Florida.
- Kim Bryan, Director of Pre-Construction Services - has served as two-time President for NUCA of North Florida. She is currently NUCA of Florida's representative on the statewide Workforce Taskforce.
- Jeff Blomgren, Director of Safety & Cultural Development - served one year as co-chair, two years as chair for the NUCA Safety committee and also chairs the local Safety Directors Forum. He is a contributing writer for *The Flow*.
- Tim Clay, Director of Field Operations - is a currently the Vice President of NUCA of North Florida.

Collectively, the management staff has represented the construction industry through legislative action in Jacksonville, Tallahassee and Washington DC and has received awards locally, statewide and nationally for their recognized leadership.

Petticoat-Schmitt is proud to be a two-time recipient of the NUCA William H. Feather Award for achievement in construction safety. We have also received the NUCA National Community Service Award for volunteer work at Seamark Ranch, a non-denominational children's home. Additionally, Ryan Schmitt was awarded the NUCA Ditchdigger of the Year award in 2010 and again in 2012 for his significant contribution to NUCA and the utility/ excavation construction industry.