

# THE FLOW

DECEMBER 2018

## Upcoming Events



**December 6th**  
**Seamark Ranch Benefit**  
**At Top Golf**  
**6:00 pm**



**ASJMSF Bass**  
**Fishing Tournament**  
**February 28th to March 2nd**  
**Lake Okeechobee**  
**See info at [nucaflorida.org](http://nucaflorida.org)**

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## 2018 OFFICERS & BOARD OF DIRECTORS

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Mike Woodall, John Woody, Inc.

### PRESIDENT'S MESSAGE

Dear Friends,

Merry Christmas! We have made it to December. It seems like yesterday I took the oath as President of this great association. As my year ends, I hope that you all feel as if I have fulfilled the duties of the position and guided the organization and industry in a positive direction. As always, thank you to our monthly sponsors!

On December 6th we will be holding a benefit on behalf of the Seamark Ranch at Top Golf. Space is limited, so if you want to golf sign up now! If you would like to make a donation or sponsor the event in any way, get in touch with Kathy. This is a great event and it supports an amazing organization. On January 24th, we will be holding our Installation of Officers meeting at Maggianos. Come watch as the 2019 Board of Directors is sworn into office.

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*

## 2018 NUCA of North Florida

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## CALENDAR OF EVENTS

**Dec. 6th**

**Seamark Ranch Benefit  
At Top Golf  
6:00 pm**

**January 8th**

**Executive Committee Meeting**

**January TBD**

**Installation of Officers  
Maggiano's at the Town Center**

**January 24th**

**Safety Director's Forum**

**February 12th**

**Executive Committee Meeting**

**Feb. 28th to Mar 2nd**

**ASJMSF Bass Fishing  
Tournament**

**April 2nd**

**Golf Tournament**

# The Law and Your Business

## **The Law and Your Business – Florida Constitutional Amendment 6 and Bid Protests**

**By Anthony (Tony) Zebouni, Regan Whelan Zebouni & Atwood. P.A.**

The November 2018 election results, as to the proposed constitutional amendments, are final. Of the proposed 12 amendments, 11 received the requisite 60% approval. One of the “bundled” amendments, Amendment 6, included a specific provision that may significantly change the scope and outcome of judicial review of agency action. In short, Amendment 6 prohibits the court from deferring to an administrative agency’s interpretation of state laws or rules when deciding cases.

The language of the Amendment states:

### **Section 21 of Article V**

**“Judicial interpretation of statutes and rules. —In interpreting a state statute or rule, a state court or an officer hearing an administrative action pursuant to general law may not defer to an administrative agency’s interpretation of such statute or rule, and must instead interpret such statute or rule *de novo*”.**

Historically, Florida Courts would defer to the agency’s own interpretation of any alleged statutory or rule violation and would, for example, only overturn an agency’s bid protest decision if the agency acted arbitrarily, capriciously or fraudulently.

Now that Amendment 6 has passed, these type of agency decisions should be reviewed, *de novo*, which means the Court will read the statutes or rules and apply the facts without consideration of the previous determination made by the agency’s administrative process. Thus, the passage of the amendment should provide a fair appeal process involving any alleged violation of a statute or rule by any agency.





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### NEXT MAN UP – SAFETY IN LIFTING TRAINING HIGHLIGHTS

On November 8<sup>th</sup>, Ferguson Waterworks with the assistance of Lift-All hosted our Next Man Up program. We had over 40 people in attendance. Contractors learned sling selection and general OSHA and Manufacturer requirements for all slings, chains and wire ropes.

Please give thanks to Rob Pinkston, Mike Lassen and Ryan Ruland with Ferguson Waterworks for putting together a successful program and providing food and refreshments. A special thank to Terry Howalt with Lift-All for presenting.





**SAVE THE DATE**

**NUCANF GOLF TOURNAMENT**  
**TUESDAY, APRIL 2ND**  
**ST. JOHNS GOLF & COUNTRY CLUB**

## **SPORTING CLAY CHALLENGE HIGHLIGHTS**

We had an absolutely beautiful day for our clay shoot this year. We were sold out with over 30 teams participating. Our day kicked off with registration followed by a BBQ lunch provided by Grill Billy's. After a safety briefing, the shoot kicked off at 1:00 pm. An awards ceremony immediately followed the shoot. Thank you to all our sponsors. See list of next page. Additional photos on page 12.

### **TOURNAMENT RESULTS**

#### **1ST PLACE TEAM**

T.B. LANDMARK  
SCORE: 343



#### **2ND PLACE TEAM**

J. B. COXWELL CONTACTING  
SCORE: 322



#### **3RD PLACE TEAM**

NEXTRAN  
SCORE: 319



#### **TOP SHOOTER**

T.J. HAWK  
SCORE: 100

#### **RUNNER UP TOP SHOOTER**

BILL CAPEHART  
SCORE: 94

#### **RAFFLE WINNER**

RYAN BERRY



## 2018 SPORTING CLAY CHALLENGE SPONSORS

A white rectangular note with a red pushpin at the top left corner. The words "THANK YOU" are written in a casual, handwritten style in black ink.

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### STATION SPONSORS

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Tyler Union  
United Rentals Trench Safety

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## **President Trump Signs WRDA Into Law**

On October 23, President Trump signed into law America's Water Infrastructure Act of 2018, also known as WRDA. The enactment of this law was a top priority for NUCA at our Washington Summit and includes major victories for our industry.

## **OSHA Considering Silica Rule Changes**

OSHA is [asking for input](#) on potential changes to its [silica rule standard](#). The agency is soliciting input on control measures for tasks and tools that are not currently included in Table 1 and the effectiveness of dust control methods in reducing worker exposure to silica. Responses to OSHA's notice are due by December of this year.

## **Instructor Training Dates Announced: April 8-12 in Coppel, Texas**

The CPTE and CSE Train-the-Trainer program has trained hundreds of Competent Person (CP) trainers, an elite group of individuals. As trained employees are retiring, so are many of our trainers, creating a need for new well-trained instructors to teach the NUCA program and ensure you have properly trained CPs required by OSHA. Our instructors, George Kennedy and Greg Strudwick are two highly respected industry safety professionals. [Click here](#) to learn apply.

## **Building for the Future Begins with You: Register Now for the 2019 Convention**

With a shortened duration, a luxurious location, and exciting events, this year's convention will provide ample opportunities to learn, be inspired, network, and have fun in the beautiful surroundings of the [Naples Grande Beach Resort](#). Early bird registration ends Dec. 31. Learn more [here](#) and register [here](#).

## **Toolbox Talks: Foremen/Supervisors Commitment to Safety**

Safety starts with your leadership team in the field. This week's topic, Foremen / Supervisor Commitment to Safety: [English](#) | [Spanish](#). Toolbox Talks are free to members and can be downloaded from our website.



# NUCA

*Naples, Florida*

**Annual Convention and Exhibit**  
March 14–16, 2019



## *Build for the Future*

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- Explore Relevant Subject Matter
- Network and Collaborate
- Gain Insight to Relieve Pressure Points
- Learn Strategies to Achieve Results

**Discover new technologies and build and strengthen relationships  
with our industry's finest vendors**

**Examine opportunities to overcome business challenges to build for the future**

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Early Bird Registration Ends December 31, 2018

[WWW.NUCA.COM/CONVENTION](http://WWW.NUCA.COM/CONVENTION)

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# SAFETY NEWS

By Jeff Blomgren

## **HAPPY HOLIDAYS**

The difference between having a happy holiday and an unhappy one comes down to preparation and safety. So many times, the end of season is the time when we throw everything in a box and sort it out next year. That leads to situations that we see in holiday movies when light strings are balled up, frayed cords go unrecognized, over loaded outlets become fire hazards, extension cords are strung out all over the place, ladders are used without being rated for purpose, people falling off roofs, panic shopping, etc. Sound familiar?

Here are some tips to help you to have a safe holiday. **Travel.** Use seat belts, put your cell phone away, be prepared for heavy traffic, fuel up often, make sure the vehicle is safe and well maintained, if alcohol is involved use a designated driver. **Decorating.** Use unbreakable ornaments, especially if there are children or pets in the home. Use the proper step ladder. Check lights and cords for frayed wiring and damaged sockets. Don't overload outlets. **Candles.** Never leave them burning unattended. Never burn candles while sleeping. Do not use candles anywhere near combustible surfaces. Consider battery operated candles. **Food.** Follow safe food handling instructions. Never wash raw meat and poultry before cooking. Refrigerate food within two hours. Holiday food should be good for four days in the fridge. **Toys and electronics.** Lithium button batteries can kill if ingested. Check children's toys and be sure they do not have button batteries. **Shopping.** 21,000 children are hurt in shopping carts each year. Use the seat with a safety belt. Never let kids ride in the basket or on the sides or back. Never let a child push the cart. **Escalators.** Escalators are a problem for children. 2,000 children, mostly five or under, are hurt each year using escalators. Escalator treads are sharp. Be sure there's no loose clothing or shoe laces that could be caught in mechanical parts. Children should face forward and you should hold the child's hand. **Wandering children.** You should never let your child wander but distractions do occur. Put your cell phone number in the child's pocket if they are too small to remember your number. Instruct them to stay in one place, if they are lost, and to contact store personnel for help. Never go with a stranger. If a child is lost, contact store security at once.

Having fun and staying safe are compatible. Just a few precautions can make the difference between a happy holiday or an unhappy one.





## CLAY SHOOT PHOTOS





# Thursday, December 6th



## **TOPGOLF**

### **TO BENEFIT SEAMARK RANCH**

### **BAY SPONSOR**

### **\$500**

Sponsorship includes signage at the station. Your company will be acknowledged at the event and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen.

**Company Name:** \_\_\_\_\_

Payment: \_\_\_\_\_ Check (NUCANF) \_\_\_\_\_ Bill my account \_\_\_\_\_ Charge credit card\*

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**NUCANF, PO Box 16810, Jacksonville, FL 32245 or fax to (904) 296-1231.**





# NEW MEMBER SPOTLIGHT



## SERVING LOCAL CONTRACTORS

### QUALITY CONTROL

- sample mixture from trucks per specification requirements
- monitor truck temperatures at the plant and on the road
- verify liquid asphalt content
- identify volumetric properties
- calculate tack, dilution and spread rates
- verify proper rolling patterns are employed
- cut core samples to check for density results
- ensure acceptable quality practices are followed

### QUALITY ASSURANCE

- observe and inspect testing procedures during production and placement
- execute split sample testing
- evaluate performance and qualifications of the technicians
- verify equipment is in proper working condition

### CORING & TESTING

Coring to determine:

- soil type under pavement
- pavement thickness
- bond between pavement layers
- drainage

Testing asphalt mix, binder, aggregates and other components:

- verify quality and evaluate existing materials for potential problems
- test mixture to meet performance related specifications
- relate laboratory mix design to actual field performance

### ENGINEERING ANALYSIS

- identification of problem
- develop testing plan and conduct approved testing
- evaluate results and perform analysis
- make recommendations

### MIX DESIGN

- incorporate correct mix components for most cost-effective designs
- detailed analysis procedure
- superpave - marshall - FAA, federal lands - pavement preservation



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# DECEMBER FEATURED SPONSOR



Completing its 11<sup>th</sup> year, 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. PSSC'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. 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. 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 NUCA National.
- Lauren Atwell, Chief Operating Officer - has served twice as President of NUCA of North Florida and one term as President for NUCA of Florida. Currently, he serves on the Executive Board as Secretary for NUCA National.
- Kim Bryan, Vice President of Pre-Construction and Private Development 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 and NUCA National's Convention Co-Chair.
- Jeff Blomgren, Director of Safety & Cultural Development - served one year as co-chair and two years as chair for the NUCA Safety committee. Jeff also chairs the local Safety Directors Forum and is a contributing writer for *The Flow*.
- Jason Plauche, Project Manager – is completing his first term as Board member for NUCA of North Florida. He was recently elected to serve another term on the Board.

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.