

THE FLOW

JANUARY 2018

Upcoming Events

January 18th
**Installation of Officers &
Annual Awards Meeting**
River City Brewing Co.
6:00 pm

Feb. 4th to 6th
NUCA of Florida
Legislative Days
Tallahassee, FL



INSIDE THIS EDITION

<i>President's Message</i>	2
<i>Calendar of Events</i>	3
<i>The Law & Your Business</i>	4
<i>Top Golf Highlights</i>	5
<i>Top Golf Sponsors</i>	
<i>Bass Fishing</i>	6
<i>NUCA News</i>	8
<i>New Members</i>	9
<i>Safety News</i>	11
<i>Snazzy Travel—New Member Benefit</i>	12
<i>New Member Spotlight—Legacy Engineering, Inc.</i>	13
<i>Featured Sponsor - A.J. Johns, Inc.</i>	15

2018 OFFICERS & BOARD OF DIRECTORS

EXECUTIVE COMMITTEE

President

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

Rob Pinkston, Ferguson Waterworks

Past President

Marty Adams, TB Landmark

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,

Happy New Year! I hope everyone enjoyed the holiday break and is ready to get back to work. 2018 looks to be as busy as ever. I hope that it is prosperous for everyone.

As most of you can see, our little part of the world is growing. Our industry is growing right along with it. While growth is what we are all working for, it also presents challenges. Finding qualified employees, legislative challenges, along with the everyday struggles of running a business can be overwhelming. This organization is here to give you support. Do not hesitate to reach out for help from me, or any of our other members.

Participation at events and fund raisers is what helps make NUCA of North Florida as strong and unique as it is. On February 5th and 6th, please come to Tallahassee and join NUCA of Florida for their annual Legislative days. For those of you who have not been in the past, it is a great experience and is an awesome way to get to know some of your local legislators on a personal level. Go ahead and mark your calendars for April 3, 2018 for our first fundraiser of year, our annual Golf Tournament at St. Johns Golf and Country Club. It is a beautiful course, and it's always a ton of fun.

Our goal for members is to use the association as an asset to help each and everyone in any way possible. We are always open to new ideas or suggestions to help better our industry or to progress the way we operate. Our association stands together to excel and to strive for continued success well into the future.

In closing, I want to thank you all for your continued help and support for the association. We wish the best of luck for our members and family's coming into the new year. I am always just a phone call or email away if I can be of assistance. Remember to continue to do business with our members.

Sincerely,



Mike Kivlin

2018 NUCA of North Florida

Monthly Sponsors

Platinum Sponsor

Beard Equipment
Company

Gold Sponsor

John Woody, Inc.

Standard Precast, Inc.

Sterett Heaving Hauling

Bronze Sponsors

A.J. Johns, Inc.

Ellis & Associates

Lippes & Bryan

Petticoat-Schmitt Civil
Contractors

Linda L. Daniels, CCIM
Licensed Real Estate Broker



Commercial Real Estate Solutions
of Jacksonville, Inc.

514 Chaffee Point Boulevard, Ste. 1
Jacksonville, FL 32221

Office: 904-398-5100
Cell: 904-304-7222
E-mail: ldaniels@ccim.net
www.cresjax.com

Industrial • Retail • Office • Land

CALENDAR OF EVENTS

January 18th

**Installation of Officers &
Annual Awards
6:00 pm**

Feb. 4th to 6th

**Legislative Days
Tallahassee, FL**

Feb. 22nd

**ASJMSF Bass Fishing
Tournament**

March 6 to 9th

**NUCA Annual Convention
San Antonio, TX**

April 3rd

**Golf Tournament
St. Johns Golf & Country Club**

July 12 to 15th

**NUCA of Florida Conference
Ocean Reef
Key Largo, FL**

The Law and Your Business—**Duty of Insurer to Defend**

By Anthony (Tony) Zebouni

A non-final decision was recently handed down by the Florida Supreme Court involving an Insurer's duty to defend (provide an attorney and pay the attorney fees). A contractor on a construction project possessed Commercial General liability coverage. The policy provided in pertinent part

:

We will pay those sums that the insured becomes legally obligated to pay as damage because of "bodily injury" or "property damage to which this insurance applies. We will have the right and *duty to defend* the insured against any "*suit*" seeking those damages. However, we will have no duty to defend the insured against any "*suit*" seeking damage for "bodily injury" or "property damage" to which this insurance does not apply. We may, at our discretion, investigate any "occurrence" and settle any claim or "suit" that may result.

The policy defined the term "suit" as follows: "b. Any other alternative dispute resolution proceeding in which such damages are claimed and to which the insured submits with our consent".

The policy did not provide definitions for "civil proceeding" or "alternative dispute resolution proceeding" as used within the definition of "suit." The Owner served the contractor with several Chapter 558, Fl. Stat. notices of claim, which alleged over 800 construction defects. The contractor timely notified its Insurer of the claims and demanded, pursuant to the policy, that the Insurer defend and indemnify the contractor. The Insurer denied that the Owner's notices of claim invoked its duty to defend because the notices did not constitute a "suit."

The Court held that Chapter 558, Fl. Stat. falls within this definition as a statutorily required pre-suit process aimed to encourage the claimant and insured to settle claims for construction defects without resorting to litigation. The notice and repair process set forth in Chapter 558, Fl. Stat. constitutes a "suit" within the meaning of the commercial general liability policy in question. Although the Chapter 558, Fl. Stat. process does not constitute a "civil proceeding," it is included in the policy's definition of "suit" as an "alternative dispute resolution proceeding" to which the insurer's consent is required to invoke the insurer's duty to defend the insured. *Altman Construction, Inc. v. Crum and Forester Specialty Insurance*

It is important to read your insurance policy to ascertain the extent of coverage, and do not accept the denial of defense, indemnity or coverage by the Insurer as the last word. If the policy had defined the word "suit" in such a way to expressly exclude Chapter 558, Fl. Stat. notices, the Court would most likely have ruled against the contractor.

SEAMARK TOP GOLF EVENT A BIG HIT!

On December 7th, NUCA of North Florida had an event at Top Golf to benefit Seamark Ranch. We had 50 people attend and had nine companies who were Bay sponsors for this event. Thank you to the following companies who were Bay Sponsors:

Beard Equipment Company

Cecil W. Powell & Company

DNS Contracting

Ellis & Associates

Great Southern Equipment Company

J.B. Coxwell Contracting, Inc.

John Woody, Inc.

Linder Industrial Machinery

Petticoat-Schmitt Civil Contractors

NUCANF has supported Seamark Ranch for a number of years. Located in Clay County, **Seamark Ranch** is a nurturing Christian home and family system that gives children from families in crisis the tools they need for a brighter future.

On December 13th, NUCANF President Marty Adams presented a check for \$9,650 to Ryan Schmitt who is an Officer on the Board of Directors for Seamark.





TOP GOLF BAY SPONSORS

Beard Equipment Company

Cecil W. Powell & Company

DNS Contracting

Ellis & Associates

Great Southern Equipment Company

J.B. Coxwell Contracting, Inc.

John Woody, Inc.

Linder Industrial Machinery

Petticoat-Schmitt Civil Contractors



SAVE THE DATE

18th ANNUAL

ANDREW SCOTT JOHNSON MEMORIAL SCHOLARSHIP FISHING TOURNAMENT



Location

FEBRUARY 22-24, 2018

ROWLAND MARTIN MARINA & RESORT

LAKE OKEECHOBEE, FL

Hotel Reservations

FOR RESERVATIONS, CALL

800.473.6766 OR 863.983.3151

CLICK HERE TO REGISTER





Top Jobs Deadline Extended

Have you spent the better part of the year executing a tough project? That could be just what it takes to bring home the hardware in NUCA's 2018 Top Jobs Competition. For the past three years, NUCA's contractors have been bringing their most challenging and impressive work to the table, all for a chance to win the prestigious award and the recognition of their peers.

We're extending the deadline for submissions to January 5, and we want to see what you've got. Go [here](#) to learn more and, if you think you have what it takes, enter your crowning achievement for the year. Entries are free! And who knows, maybe you'll take home the statue and the title of Overall Top Job for 2017.

Coalition Urges Congressional Leadership to Support PABs

NUCA joined a host of infrastructure interested organizations in sending a letter to House and Senate leaders expressing the importance of preserving PABs tax-exempt status in the forthcoming Tax Cuts and Jobs Act (H.R. 1). The letter states that removal will result in increased costs for most infrastructure projects, with a far-reaching impact across all infrastructure sectors. Read the letter [here](#).

Show Your NUCA Pride

For a limited time, purchase a 3ft. x 5ft. double-sided NUCA flag for \$99. Because the flag is made out of durable knitted polyester material, it is perfect for outdoor use and durable enough to display on a jobsite.



NEW MEMBER

Please join us in welcoming the following new member who recently joined NUCA of North Florida.

Besch and Smith Civil Group, Inc.

345 Cumberland Industrial Ct.

St. Augustine, FL32095

Contact: Nicky Besch, President

Phone: (904) 260-6393

Email: nicky@beschandsmith.com

Business: Excavation, Site Development



Protect your crew and a whole lot more.

From training your crew on safety regulations to helping you choose the right equipment for the job, our innovative Trench Safety Solutions help increase productivity and lower costs. Next time you're underground, count on us to help keep your crew, and your project, safe.



TRENCH SAFETY

UnitedRentals.com/Trench
800.UR.RENTS

Tampa, FL (813) 630-2003
Pompano Beach, FL (954) 545-9770
Orlando, FL (407) 888-9394
Jacksonville, FL (904) 786-3100

The Underground Equipment Specialist®

- Shoring
- Confined Space Safety Equipment
- Engineering
- OSHA Training
- Pipe Plugs & Testing Equipment
- Steel Road Plates

© 2014 United Rentals, Inc.

SAFETY NEWS

By Jeff Blomgren

Competent Persons for Silica

There has been a lot of talk about the new silica standard that took effect on September 23, 2017. NUCA has produced a lot of information to help in the implementation of a silica control plan. OSHA will be looking for dust clouds on the horizon and it will be very plain that those observations will result in citations. The November/December issue of NUCA's Utility Contractor Magazine has a great article on what steps you will need to take to comply. Silica rule compliance is not complicated. It requires a written policy and the Silica Competent Person requirements are fairly simple. NUCA has provided outlines of these plans and they can be customized for your operation. The main objective OSHA has is for employers to develop a written exposure plan, educate employees to the dangers of silica and establish the designation and conduct the training of competent persons in silica control.

OSHA does not specify the level of training or the training requirements. The training is performance oriented and it must contain the regulations, but the general requirements and training is up to the employer and the employer needs to be sure that training is accomplished.

Requirements for a Competent Person For Silica

- ·Must be designated by the employer
- ·Be capable of identifying existing and foreseeable hazards
- · Be authorized to stop work and take prompt corrective action to eliminate or minimize the silica hazards
- Understand the requirements set forth in the silica standard
- Make frequent and regular inspections of the silica operations, materials and equipment
- Implement the silica hazard control plan

The most important thing is to take steps now before a citation forces you to comply. Prevention is the cure.



National Underground Utility Contractors Association of Florida has partnered with Snazzy Traveler to bring you exclusive travel benefits and savings.

With your FREE Snazzy Traveler membership valued at \$99 you gain access to unlimited savings on thousands of hotels, cars, cruises, activities and more all year long.

Go to www.SnazzyTraveler.com/NUCAFL and enter your exclusive **Promo Code: NUCAFLTravel** to join the Snazzy members who are already saving hundreds on travel each year!



Hotels

400,000 Hotels and Resorts with top brands that you trust!



Car Rentals

8,000 nationwide locations. Includes comparative pricing!



Cruises

Select from top cruise lines with discounted rates!

Snazzy Traveler Benefits

- No Blackout Dates. No Travel Restrictions
- 110% Price Guarantee
- Free to NUCAFL Members
- Deep discounts on all travel

Snazzy Traveler Value

- Save up to 75% on 400,000 Hotels
- More than 8,000 rental car locations
- Discounted activities and excursions
- Earn reward credits on all purchases

We thank you for your continued support and participation!

LEGACY ENGINEERING, INC

Geotechnical & Materials Engineering and Testing

QUALITY ENGINEERING AT A FAIR PRICE

Soil Compaction Testing, Proctors, Concrete Testing, Soil Borings, Energy Ratings, Product Approvals, Custom Testing, and more.



THE ELLIS FAMILY

Serving Jacksonville builders since 1939.



L to R: David Ellis, John Ellis, and John Ellis II

SCHEDULING

Call or Text: (904) 735-1100
Scheduling@LegacyEngineeringInc.com

CONTACT US

(904) 721-1100
LegacyEngineeringInc.com



THE ELLIS FAMILY

A Legacy of Serving the Construction Industry



All-electric homes

John Ellis founds Jacksonville Engineering Testing in 1964 and Ellis & Associates in 1970



David Ellis, former NEFBA Assoc. Director and Current GAHBA Exec. VP, performs soil tests



John Ellis II founds Legacy Engineering



John Ellis III utilizing LegacyReports.com, Legacy's paperless digital report system

Performing product approval and wind testing



WHY LEGACY:

- Our clients say "no one responds faster or **solves issues** or problems **quicker**."
- Schedule with ease, **Call**, **text**, or **email** our **direct scheduling** line. You'll speak directly to an **experienced dispatcher** with years of field experience. No company is better at **keeping your projects on schedule**.
- Fast lab turnaround — why wait a week to get lab results? Our typical Proctor turn around is 2 days and LBR 4 days.
- With four generations of experience on the First Coast, there is no one better to be your first call for testing.
- Bidding a new job with **limited soil information**? Let us share our decades of local **soils knowledge** to find out if the soils on your site will likely need to be hauled away or good for fill. A JSEB company.

John Ellis II
John Ellis II—Owner, CEO



Download
the Ritchie Bros.
app today!



WELCOME TO A WORLD OF EQUIPMENT

ORLANDO, FL | FEB 19-23, 2018

View inventory, register to bid or consign
1.855.331.5757 | rbauction.com/Orlando2018

rb RITCHIE BROS.
Auctioneers®

JANUARY FEATURED SPONSOR



A. J. JOHNS, INC.

CONTRACTOR

3225 ANNISTON ROAD • JACKSONVILLE, FL 32246 - 3696 • 904-641-2055

A.J. Johns, Inc. is a Jacksonville based complete site development contractor. We began in the local industry in 1970. In the beginning we only provided the utility needs of our clients, but in 1983 we expanded our services to include all scopes of a complete site development contractor to better serve our clients, both public and private.

Our company founder, Mr. AJ Johns, is a long time respected leader in the Jacksonville business community. Our goals and mission have remained consistent over the past 47 years. We strive to provide a turnkey approach to numerous types of development.

A.J. Johns, Inc. has the leadership and a trained and dedicated staff who continue to evolve to meet the needs of our clients. We strive to create strong and understanding relationships with our clients, engineers, vendors, and subcontractors through communication, teamwork, and most importantly, a positive attitude. We have a reputation for delivering quality and cost effective services, and are fully committed to exceeding the expectations of our clients. Building new relationships and strengthening long term acquaintances is the key to both past and future success.

A.J. Johns, Inc. employees receive continuous training to keep them abreast of our changing industry. Internal job training and employee development brings a special plus to the efficiency of our organization. Our employee training includes but is not limited to, First Aid/CPR, OSHA 10, Confined Space, Competent Person, and Flagger Certification. We are focused on many organizations that support our industry and the communities in which we serve.