

THE FLOW

Upcoming Events

January 23rd

**Installation of Officers & Annual
Awards Meeting
Maggiano's
6:00pm**

February 17 & 18th

**NUCA of Florida
Legislative Days
Tallahassee**



DECEMBER 2019

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Billy Hood, J. B. Coxwell Contracting

Drew Lane, Advanced Drainage Systems

Jason Plauche, Petticoat-Schmitt Civil Con.

Justin Scarberry, ECS Florida

Jarod Wolford, Martin Marietta Materials

Jon Woodall, John Woody, Inc.

PRESIDENT'S MESSAGE

Dear Friends,

I hope that you all are healthy and doing Well. Thank you to all our monthly sponsors, we couldn't be as successful as we are without you!

On Nov 5th we held our we held our 8th Annual NUCA Sporting Clay Challenge. We had a great turn out, I believe all who attended had a great time. Cecil Powell brought home the first place this year, followed up with TB Landmark in second and Pro-line in third. We would like to thank all that attended and all of our sponsors, this could not have been as successful without all of you. Our next meeting will be the Installation of Officers in January 23rd at Maggiano's.

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. I look forward to working with you all.

Sincerely,

Chad



merry christmas & happy holidays

Linda L. Daniels, CCIM
Licensed Real Estate Broker



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CALENDAR OF EVENTS

Jan. 14th

Executive Committee
3:30 pm

Jan. 23rd

Board of Directors Meeting
4:30 pm

Jan. 23rd

Officer Installation &
Annual Meeting
Maggiano's
6:00 pm

Feb. 11th

Executive Committee
3:30 pm

Feb. 17th & 18th

NUCA of Florida
Legislative Days

Feb. 27th—29th

NUCA Convention
Tucson, AZ

The Law and Your Business

The Law and Your Business – Performance Bond Surety May Use Defaulting Contractor to Complete the Contract

By Rebecca Ross, Regan Atwood. P.A.

In the *Seawatch at Marathon Condo Ass'n v. Guar. Co.* case, the owner hired the contractor, CAGC, to renovate three condominium buildings located in Marathon, Florida for \$5.3 million. The surety issued three performance bonds for the project. After discovering certain defects at the project, the owner declared the contractor in default and effected a termination of the contract. The owner then tendered the claim to the performance bond surety and requested that it make an election under section 4 of the performance bond. Over the next several months the owner and the surety discussed the planned resolution for completion of the project, but never reached an agreement. Thereafter, the surety gave the owner notice that it was electing to complete the project as a takeover and that the original contractor, CAGC, would be part of the completion team.

The owner rejected the takeover agreement and argued that under the performance bond the surety was not permitted to use the defaulting contractor as the completion contractor. The owner then filed a declaratory judgment action seeking a judicial determination as to whether the surety was permitted to retain the defaulting contractor as the completion contractor. Also, the owner sought a determination that if the surety were to enter into such a takeover agreement, then it would be deemed an unlicensed contractor under Florida Law and therefore, unable to elect the takeover option. The trial court found that the surety had the right to engage the defaulting contractor as the completion contractor and that it was not required to have a contractor's license to do so. The trial court further found that the surety did not make a sufficient election under section 4.2 because it conditioned its election on the owner signing the takeover agreement. On appeal, the appellate court affirmed the ruling of the trial court after finding that the bond language was clear and unambiguous as to the surety's options and that it was common practice for a surety to hire the original contractor to complete the work. Thus, the surety was permitted to use any contractor including the defaulting contractor to complete the work.

Clay Shoot Highlights

We had a few early showers but that didn't stop 32 teams from coming out to shot at Jacksonville Clay Target Sports. A delicious lunch was served by Grill Billy's followed up with everyone's favorite banana pudding.

After lunch, a safety briefing was given to all the participants followed by an air horn start.

Thank you to Alexis Saffer, Holly Harris and Molly Soltis for helping with registration. Thank you to our wonderful sponsors for making this event a success. See listing of sponsors on page 9.

Congratulations to our winners!



1st Place Team
Cecil W. Powell & Co.
Score: 362



2nd Place Team
T.B. Landmark
Score: 345



3rd Place Team
Pro-Line Survey Supply
Score: 344

Top Shooter :

Ben Powell Score: 100

Top Shooter Runner-up:

T.J. Hawk Score: 99

Raffle Winners:

\$450 Cash—John Miller
RTIC Cooler—James Beal
\$100 Cash—Blake Bowmaster
50/50 Raffle—David Wallace

Lucky Clay Winners:

Ashton Milam, United Rentals Fluid Solutions
Todd Harrison, Trekker
Jason Gambria, Vallencourt Construction
Tommy Goaghagan, Fortiline Waterworks

NEW NUCA OF NORTH FLORIDA

Please join me in welcoming the following new members who recently joined our association.

Sawcross Incorporated

10970 New Berlin Road

Jacksonville, FL 32226

Phone: 904-751-7500

Fax: 904-751-0600

Contact: Kevin DiQuisto, Project Manager

Email: kevind@sawcross.com

Website: sawcross.com

Business: Sewer/Water & Treatment Plant Construction

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\$7.6 Billion Recission Threat for Highways Removed in Funding Bill

A threatened \$7.6 billion loss in federal highway funds for states looks to be permanently removed as part of a bill keeping the federal government funded. The continuing resolution (HR 3055) scheduled to be signed into law this week also includes a repeal of a recission that was included in the 2015 FAST Act, allowing state highway departments to keep funding projects past July 1, 2020. NUCA, through our membership in the U.S. Chamber of Commerce, supported this repeal.

Do You Have a Top Jobs Winner?

Remember that amazing utility infrastructure project your company just completed? NUCA's prestigious Top Jobs competition is now open & looking for amazing projects! [Head here](#) to submit your project (by January 5, 2020) for the 2019 NUCA Top Jobs Awards.

Register Now to Attend the Convention and Exhibit, February 27-29, 2020

Above and beyond the Top Jobs Awards, we have a ton of fun and informative events in store for you at the convention: NUCA's Awards and Auction Gala, team building, the return of the NUCA golf tournament, a riveting keynote speaker, the always informative Utility Construction Economic Forecast, education opportunities, and more networking events. Registration is open right now and the early bird registration ends Dec. 31. You don't want to miss the beautiful Loews Ventana Canyon Resort in Tucson, Arizona. Find out more and register [here](#).

A scenic photograph of the Loews Ventana Canyon Resort in Tucson, Arizona, taken at dusk. The resort's modern architecture is illuminated with warm lights, and the surrounding desert landscape with mountains is visible in the background. The sky is a mix of orange, yellow, and blue.

SAVE THE DATE

NUCA CONVENTION 2020
February 27-29
Loews Ventana Canyon Resort
Tucson, AZ

SAFETY NEWS

By Jeff Blomgren
Safety Director at Petticoat-Schmitt Civil Contractors

Holiday Preparations

With Thanksgiving here and Christmas not far behind it's a good time to get focused on the holidays and what it takes to get ready for this festive season. Getting out the Christmas decorations, testing the light strings, hanging the outside lights, putting up the inside decorations, lighting the candles, a fire in the fireplace, glass ornaments, food preparation, gifts to buy, wrapping, planning, balancing schedules and parties to attend, travel times, and we all know how driving and flying can be stressful. It can be tiring time, even though it's anticipated all year.

If you look at each of the things mentioned above, there are safety applications to each one of those on that list. We will be dealing with electricity, fire and ladders. There's food preparations, hot ovens and the possibility of leaving food out too long and food poisoning.

There's also the possibility of financial stress. So many people spend the entire year paying off the past Christmas' debt. Scaling back and adjusting to what you have and what you need and ignoring what you want, can reduce that burden. We wear ourselves out trying to do everything and satisfying every "want". What we need is to be happy with what we have and appreciate those important things like what's under our roofs.

If we dwell on those all of those things listed it can be depressing but there's a cure. Never lose sight of the real reason for this festive time. The most important thing is our families, friends and faith. In all of that, good planning involves time spent ahead of the task and prioritizing activities that will build in rest, safety, family time for traditions, or starting new ones, and enough downtime that can make the season bright. By goal setting, planning, preparation and safety everyone can have a very satisfying holiday season. Have a very Merry Christmas and a safe holiday season.





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Legacy Engineering, Inc.
Linder Industrial Machinery
Nextran
T.G. Utility Company, Inc.
United Rentals Fluid Solutions
United Rentals Trench Safety**

Clay Shoot Photos



MORE CLAY PHOTOS





NUCA

TUCSON, ARIZONA

Annual Convention & Exhibit
Loews Ventana Canyon Resort
February 27–29, 2020

The Evolution of Leadership

NUCA's 2020 Convention and Exhibit is just around the corner! Start making your plans to attend the industry's premiere conference. Our 2020 Convention will include the industry events and educational sessions you expect, all designed to help you achieve superior results for your business.

- ☀ Attend our dynamic educational sessions to become involved in our industry's leading topics
- ☀ Exchange new ideas for better job productivity with your industry peers
- ☀ Discover new advanced technologies and strengthen your relationships with the industry's top equipment and service vendors
- ☀ Enjoy the luxury of the Loews Ventana Canyon Resort and the NUCA Foundation golf tournament
- ☀ Have fun with industry colleagues and new friends

Register today! Early-Bird registration closes December 15, 2019.

For more information: NUCA.COM/CONVENTION



OFFICER INSTALLATION & ANNUAL MEETING

Join us on Thursday, January 23rd at Maggiano's at 6:00 pm as we install our 2020 Officers & Board of Directors. We will also present our annual awards. Look for an email at the beginning of January.

2020 OFFICERS & BOARD OF DIRECTORS

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President-Elect

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Billy Hood, J. B. Coxwell Contracting

Drew Lane, Advanced Drainage Systems

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Justin Scarberry, ECS Florida

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Jon Woodall, John Woody, Inc.

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CONTACT INFORMATION

FIRST NAME _____ MI _____ LAST NAME _____ COMPANY _____
MAILING STREET ADDRESS _____ SUITE/APT. NO. _____
CITY _____ STATE _____ ZIP _____ COUNTRY _____
EMAIL ADDRESS _____ PROJECT NAME (OPTIONAL) _____

CONTRIBUTION INFORMATION

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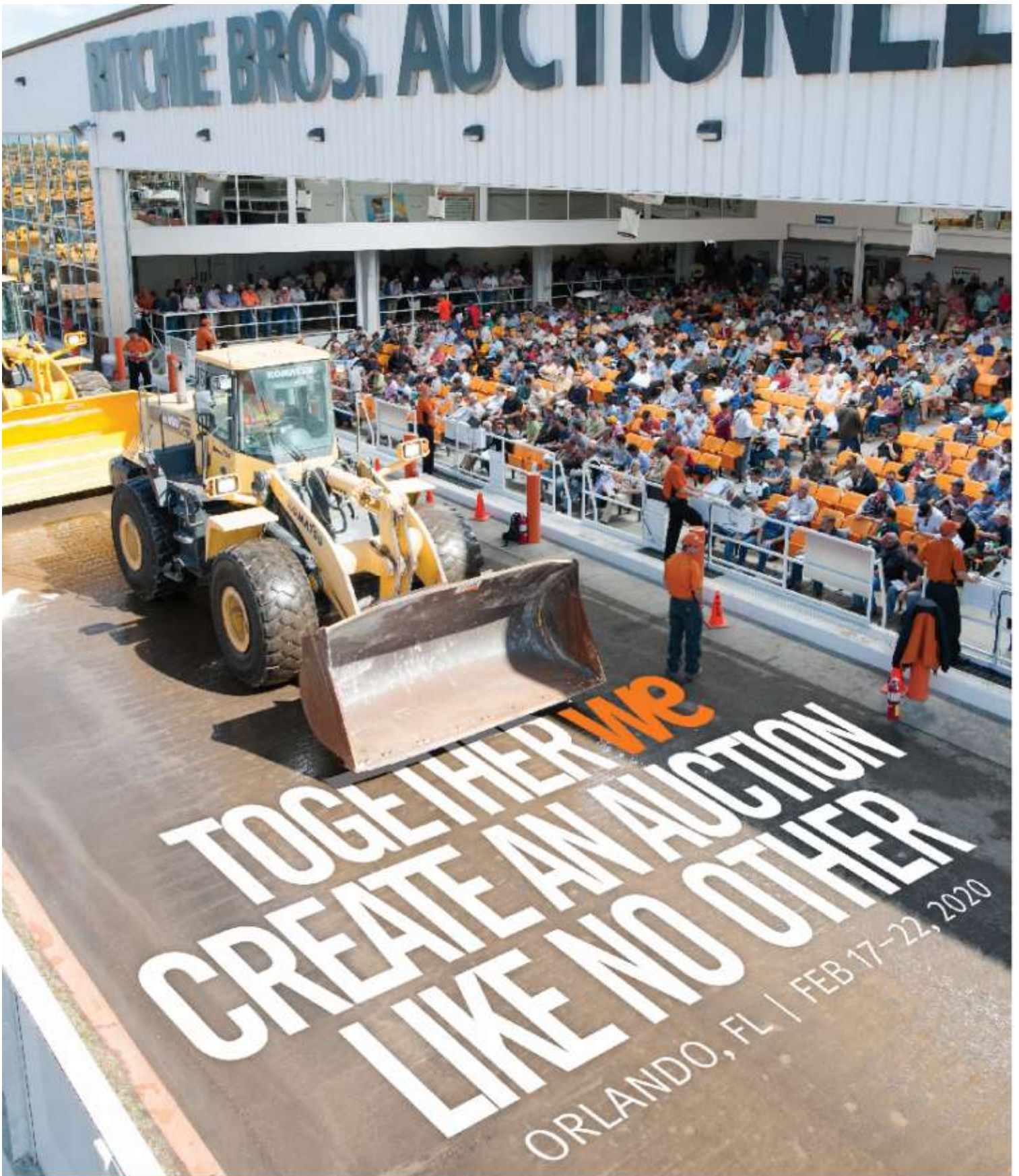
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Beard Equipment Company was founded in 1970 as a John Deere Construction & Forestry Dealer. Over the years, the company has expanded with locations in Mobile, Alabama, Pensacola, Panama City, Freeport, Tallahassee, Perry, Jacksonville, Lake City, Palatka and Ocala, Florida.

Three generations of the Beard family have operated the business for nearly 50 years with the family approach to customers and employees as a key ingredient to the company's success. Beard Equipment continues to operate with this approach at the core of its philosophy. Today more than 300 dedicated employees serve customers across a variety of equipment divisions; linked by one common goal: Focusing on the customers and their equipment and technology needs.

Beard Equipment product lines include John Deere Construction & Forestry Equipment, Commercial Worksite Products, Commercial & Consumer Equipment, Golf Equipment, STIHL, LeeBoy, and many other allied equipment suppliers - some products vary by location. Beard is also the exclusive dealer for Leica Geosystems construction products throughout the state of Florida and south Alabama. Leica Geosystems provides cutting edge machine and job site technology coupled with Beard's industry leading support.

As one of the south's largest rental fleets, from Mobile, Alabama to Ocala, Florida, you can find a fully stocked inventory of John Deere construction and BOMAG compaction equipment to assist you in getting your job done. Beard offers an extensive selection of pre-owned equipment as well. You can view the pre-owned inventory online at beardequipment.com under the USED EQUIPMENT tab. To support the company's growing customer base across all product lines, Beard has 10 full-service locations throughout South Alabama and North Florida.

Beard Equipment is a proud member of the NUCA, NUCA of North Florida, NUCA of Northwest Florida chapter, the Florida Transportation Builders Association and Alabama Utility Contractors.



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