

THE FLOW

MAY 2019

Upcoming Events



Night at Baseball Grounds
Thursday, May 16th
Tickets \$26 each
Include Buffet & Game Ticket



Scholarships Available
Deadline approaching
See details on 10

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2019 OFFICERS & BOARD OF DIRECTORS

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PRESIDENT'S MESSAGE

Dear Friends,

I hope everyone is happy, healthy and doing well! As always, thank you to our monthly sponsors, we couldn't be as successful as we are without you!

Our 2019 Annual Golf Tournament was a big success! We were very fortunate with the weather, and it turned out to be a beautiful day! Thank you all, again, for your support. On April 18th, Sunshine 811 held a Safe Digging Workshop and round table discussion. The conversation was open and candid, and the participating contractor members were able to voice some of their concerns directly to 811 and utility owners. These round tables are held on a regular basis and are it is very important to get more contractor members involved. So, please keep an eye on the 811 calendar located at www.sunshine811.com and plan on attending the next meeting. On April 25th at the A.J. Johns training center, we held the latest installment of our Safety Directors Forum. This program has been a huge success amongst our membership. The next one is planned for July. We will keep everybody posted as an exact date is locked down.

On May 9th, NUCA of Florida will hold a board of directors meeting at Ring Power in Orlando. On May 16th we will have our next Board of Directors meeting and our annual NUCA of NF Night at the Baseball Grounds with the Jacksonville Jumbo Shrimp. Bring your employees, families, and friends and enjoy a great night of baseball! The annual NUCA Washington Summit is being held on May 21-23rd. Also On May 23rd, we will continue our Next Man Up class. This one will specialize in Punch Out work. Sign up quick.

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

Linda L. Daniels, CCIM
Licensed Real Estate Broker



Commercial Real Estate Solutions
of Jacksonville, Inc.

514 Chaffee Point Boulevard, Ste. 1
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Office: 904-398-5100
Cell: 904-304-7222
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Gate Fuel Service
John Woody, Inc.
Lippes & Bryan
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Contractors

CALENDAR OF EVENTS

May 9th

**NUCA of Florida
Board Meeting
Ring Power, Orlando**

May 14th

Executive Committee Meeting

May 16th

**Board of Directors Meeting
Night at Baseball Grounds of
Jacksonville**

May 21st to 23rd

**NUCA Washington Summit
Washington, D.C.**

May 23rd

Next Man Up—Punch Out

August 3rd

Fishing Tournament

The Law and Your Business

The Law and Your Business – CGL Coverage and Duty to Defend

By Anthony (Tony) Zebouni, NUCA North Florida

An insurer's duty to defend a complaint depends solely on the allegations in the complaint filed by a third party against the insured. Even where the complaint alleges facts partially within and partially outside the coverage of a policy, the insurer is nonetheless obligated to defend the entire suit, even if the facts later demonstrate that no coverage exists. there is a duty to defend, the duty will continue 'even though it is ultimately determined that the alleged cause of action is groundless, and no liability is found within the policy provisions defining coverage.'

In a recent reported case, a Florida Court allowed the introduction of extrinsic evidence to determine that the Insurance Company had no duty to defend a claim. The appellate Court disagreed and reversed.

Under Florida law, an insurer's duty to defend is separate and distinct from its duty to indemnify, and it is more extensive. "A liability insurer's obligation, with respect to its duty to defend, is not determined by the insured's actual liability but rather by whether the alleged basis of the action against the insurer falls within the policy's coverage."

Should you become involved in a dispute and your Insurer initially rejects your demand to defend and indemnify, the Insurer, may be subject to a bad faith action in which your attorney fees may be recovered regardless of the outcome of the litigation.

Advanced Systems, Inc. v. Gotham Insurance Co. (April 2019)

NUCANF GOLF TOURNAMENT RESULTS

We had an wild and windy day for our golf tournament on April 2nd at St. Johns Golf & Country Club. We were sold out of golf teams and Vendor Showcase spots several weeks before the tournament. This year we had a contest where each golf team had one vote for the best Vendor Showcase booth. Congratulations to this year's top Vendor Showcase, Duval Asphalt . Thank you to all of our wonderful sponsors who made this possible as well as everyone who participated. Please see complete list of our sponsors on next page.

Thank you to Alexis Saffer and Mike Costello for their help the day of the tournament. Also, thank you to Gate Fuel Services and Nimnicht Chevrolet for their door prize donations.

Please let us know if you have any suggestions for changes to make to next year's tournament.

Tournament Results



First Place



Second Place



Third Place

First Place: Sunbelt Rentals, 48

Second Place: Martin Marietta Materials, 48

Third Place: Acme Barricades, 50

Proximity & Challenge Hole Winners

Longest Drive

Chris Stone

Closest to the Pin #5

Bucky Wright

Longest Putt

Rob Rowley

Skirts for Steaks

Sean McKillip

\$100 Gift Card

John Pifer, .

\$50 Gift Card

Scott Flowers

Flat Screen T.V.

Sean McKillip

Yeti Bucket

Mike Knowles

Platinum Sponsor—Beard Equipment Company

Vendor Showcase Participants

Advanced Drainage Systems

All Pro Asphalt, Inc.

Asphalt Testing Solutions & Engineering

Beard Equipment Company

Bobcat of Jacksonville

Cecil W. Powell & Company

Duval Asphalt Products

Ferguson Waterworks, Inc.

Flagler Construction Equipment

Forterra Pipe & Precast

Fortiline Waterworks

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Mackinnon Equipment & Services

MWI Pump Rental

Port Consolidated

Standard Precast Corporation

Sterett Heavy Hauling

Sunbelt Rentals

United Rentals Trench Safety

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Dinner Sponsor

Dinner Sponsor

Dinner Sponsor

Dinner Sponsor

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Beverage Cart Sponsor

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Longest Drive

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American Cast Iron Pipe Co.

County Materials Corporation

John Woody, Inc.

Associated Construction Products

ECS Florida, LLC

SIP Industries

Golf Tournament Photos





OSHA Jobsite Inspections Likely to Increase

Labor Sec. Alexander Acosta told a House Appropriations subcommittee last week that as soon as new OSHA agents complete 1-3 years of training, he expects jobsite inspections will increase. DOL hired 76 new inspectors in 2018. President Trump is also looking for an increase in OSHA funding in his FY2020 budget request to hire up to 30 new compliance officers.

President Trump Signs Two Executive Orders to Expedite Pipeline Construction

The orders aim to make it easier for the oil and gas industry to obtain building permits for pipelines and other infrastructure needs and limits regulatory hurdles.

NUCA Foundation Scholarships Deadlines are Approaching

Applications will be accepted through May 25, 2019. Any high school senior whose parent or legal guardian is a NUCA member company employee at the time of the application deadline may apply. [Learn more and apply](#)

Toolbox Talks: Rules of the Road

The busy season is upon us. More work means more time on the roads. This week's topic, Rules of the Road: Toolbox Talks are available in English and Spanish and are free to NUCA members. Visit nuca.com, login and click on Safety tab and select Toolbox Talks.

NUCA Washington Summit

May 21 to 23rd

CHANGE CREATES OPPORTUNITIES

With more than 100 new Members of Congress who will be taking a fresh look at investments in infrastructure, now is the time to make our voices heard.

Summit Highlights:

Hill Visits: Discuss What Matters to You with Your Senators and Representatives

Federal Issues Conference: Presentations from Washington Insiders and Experts

Legislative Briefing: An In-Depth Look at the Key Issues Before Congress

Congressional Reception: With Members of Congress and Staff in a Fun and Casual Setting

SAFETY NEWS

By Jeff Blomgren
Safety Director at Petticoat-Schmitt Civil Contractors

NUCA Trench Safety Stand Down

It's not too early to begin thinking about the 2019 NUCA sponsored national Trench Safety Stand Down. NUCA TSSD for short. The TSSD runs from June 17-21 and there's a pile of information on the NUCA website, nuca.com.

We all know that regulatory agencies are focusing more and more on trench safety. It's a good idea to have your ducks in a row on trench safety and this is a great time to get back to the basics. We do this type of work every day and complacency is the enemy of safety. Repetition breeds contentment and contentment breeds accidents and incidents. We can all relate to that in relation to what we see in our own near miss programs. Do you have a near miss program where you look for things that could result in an incident? It's an eye opener. It's a training exercise in recognizing hazards before they become incidents. You can use the TSSD as an exercise in looking for the hazards. Some questions could be, does the crew know what a daily excavation checklist looks like? What is needed in a rigging inspection and who does it? What are the specifics of a ladder? Who inspects it, how often, how is it used, where is the safety information, etc.? How do you know when you have a 1 ½ to 1 slope? When do you need a trench box? Can you stay in a trench box while it's being moved horizontally? These are all things almost all of us know because we internalized the information. It's muscle memory for most of us but, do we have new employees on the job? Do they know what we know? Probably not. Use the TSSD as an education tool for those who don't know and a reminder for those who do know.



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 on the bottom of the home page, click 2019 Application for Students in Undergraduate/Graduate Programs. Call the NUCANF office at (904) 296-1230 if you have questions. **Application deadline is June 14th.**

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 on the bottom of the home page, click 2019 Application for New College Students. Call the NUCANF office at (904) 296-1230 if you have questions. **Application deadline is Friday, June 14th.**

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 2019 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 2019. You can get an application on line at <http://www.nuca.com/scholarships>. **Application deadline is May 25th.**

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. Please contact NUCA of Florida at 850-514-5183 to get a scholarship application.



NUCA OF NORTH FLORIDA NEW MEMBERS

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

Hypower

Contact: Richard Paul-Haus

5913 NW 31st Ave

Fort Lauderdale, FL 33309

Phone: (888)978-9300

Email: rpaul-hus@hypowerinc.com

HB Next

Contact: Tony Cann

14476 Duval Place W., Suite 604

Jacksonville, FL 32218

Phone: (770) 614-1669

Email: tcann@hbnext.com

Mackinnon Equipment & Services

Contact: Darius Prentice

6907 Broadway Avenue

Jacksonville, FL 32254

Phone: (904) 693-9200

Email: dprentice@mackinnonequipment.com

MORE GOLF PHOTOS



MAY FEATURED SPONSOR



Take the high road to ensure underground safety.

BUILDING A BETTER FUTURE IS OUR COMMITMENT TO THE PEOPLE AND COMMUNITIES WE SERVE.

United Rentals, Inc. is the largest equipment rental company in the world. The company has an integrated network of 1,186 rental locations in North America and 11 in Europe. In North America, the company operates in 49 states and every Canadian province. The company's approximately 18,500 employees serve construction and industrial customers, utilities, municipalities, homeowners and others.

Our Mission

Deploy the best people, equipment and solutions to enable our customers to safely build a better and stronger future.

Contact our local team and let us show you that we have EVERYTHING YOU NEED. PLUS EQUIPMENT.

United Rentals Trench Safety

5856 Mining Terrace

Jacksonville, FL 32257

904-786-3100



OUR VALUES

Safety First

Act, and require others to act, in a manner that puts the safety of our employees, customers and communities first.

A Passion For People

Build a diverse workplace that challenges all employees to grow professionally and embrace teamwork.

Visible Leadership

Lead by example in every business decision and action, with a sense of humility and responsibility.

Customer-Driven

Support the best interests of our customers and develop better ways for them to succeed at their jobs.

Absolute Integrity

Always do the right thing, honor commitments and ensure appropriate corporate governance.

Community-Minded

Be an outstanding corporate citizen and a good neighbor in every sense by being helpful, respectful, law-abiding and friendly.

Continuous Innovation

Contribute to a culture of innovative thinking that empowers employees to improve quality, efficiency and customer service.

Sustainability

Engage in practices that lead to positive change by encouraging social accountability and environmental responsibility.

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