THE FLOW

FLORIDA, INC NORTH NUCA OF

Upcoming Events

November 5th

Clay Shoot Jacksonville Target Sports Registration: 11:00 am Lunch: 12:00 noon Start: 1:00 pm

November 21st Seamark Ranch Benefit Top Golf 6:00 pm Sponsorship Info on Page 9



February 27–29, 2020

NOVEMBER 2019

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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 Sept 26th we had held our General NUCANF Meeting at the Autobahn here in Jacksonville. We had a great turn out, I believe all who attended had a great time. We would like to thank all that attended and all of our sponsors, this could not have been as successful with all of you. We will be holding our Annual Seamark Ranch Top Golf Benefit on November 21 at 6:00 p.m. This is always a great event, not only for friendly competition, but also to network with fellow contractors within our area. We would like to thank all of the sponsors that have signed up and all of those that have donated for this event. As we have done in the past all of the proceeds for this event go directly to the Seamark Ranch, so please get your registration turned in as soon as possible.

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

Industrial • Retail • Office • Land

2019 NUCA of North Florida Monthly Sponsors Diamond Sponsor

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Bronze Sponsors

A.J. Johns, Inc. ECS Florida, LLC Flagler Construction Equipment Gate Fuel Service John Woody, Inc. Lippes & Bryan Petticoat-Schmitt Civil Contractors

CALENDAR OF EVENTS

November 5th Sporting Clay Challenge 1:00 pm shotgun start **November 21st Executive Committee** 4:00 PM **November 21st Board of Directors Meeting** 4:30 PM November 21st Seamark Ranch Benefit **Top Golf** 6:00 PM April 7th **Golf Tournament** St. Johns Golf

The Law and Your Business

The Law and Your Business – Terminated Contractor Allowed to Sue the Architect for Professional Negligence Despite the Lack of a Direct Contract with the Architect

By Rebecca Ross, Regan Atwood. P.A.

In *Grace & Naeem Uddin, Inc. v. Singer Architects Inc.*, the Florida Court of Appeals for the Fourth District recently considered whether a supervising architect owed a duty of care to a contractor that was hired by the county for an airport improvement project. As the project neared completion, the county terminated its contract with the contractor. The contractor then filed suit for breach of contract against the county and for professional negligence against the architect. At the trial court level, the architect contested the court granted the architect's motion.

On appeal, the contractor argued that prior case law in *Moyer* recognized a contractor's ability to bring a professional negligence claim against an architect despite the lack of a direct contract between the architect and the contractor. Per *Moyer*, a third-party general contractor who may foreseeably be injured or to suffer an economic loss that is proximately caused by the negligent performance of a contractual duty of an architect may have a cause of action against the architect, notwithstanding the absence of a direct contract. For *Moyer* to apply, however, the courts have required the existence of supervisory duties by the architect and a close nexus between the architect and the contractor.

Here, the contractor argued that the architect had the requisite supervisory duties on the project because, among other things, the architect effectively controlled the project and the contractor's fate; was broadly responsible for administration of the county/contractor contract and had on-site observational duties. Ultimately, the appellate court agreed with the contractor and reversed and remanded the matter to the trial court to vacate the summary judgment in favor of the architect. Thus, the terminated contractor was able to proceed with his claim against the architect for professional negligence despite the lack of a direct contract between the contractor and the architect.

AUTOBAHN EVENT HIGHLIGHTS

We had a good group of want-to-be race car drivers for our event at Autobahn last month. Members were given an opportunity to network with other members, enjoy pizza, wings and beverages and an opportunity to drive the European –style indoor go -cart racing. We have had several people suggest that we make this an annual event. Let us know what you think!



NEW NUCA OF NORTH FLORIDA MEMBERS

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

Area Wide Protective (AWP) 4244 Mount Pleasant Street NW North Canton, OH 44720 Phone: 407-739-7413 Fax: 321-634-5108 Contact: Wayne Sato, Regional Sales Manager Email: wsato@awptraffic.com Website: awptrafficsafety.com Business: Traffic Management



Equipment Share 11250 Business Park Blvd Jacksonville, FL 32256 Phone: 904-451-1733 Contact: Robert Frye, Account Manager Email: robert.frye@equipmentshare.com Website: www.equipmentshare.com Business: Equipment Sales & Rentals





NUCA Signs on to Letter Urging the EPA to Clarify Section 401 of the Clean Water Act

The coalition letter asks the EPA to clarify requirements for states to implement Section 401 of the Clean Water Act. NUCA and other energy infrastructure stakeholders are seeking to stop states from delaying critical water infrastructure projects by misusing this statute.

Toolbox Talks: Inspect Slings for Safe Lifting

Struck-by injuries and fatalities continue to top the lists of hazards on construction sites. This week's TBT is Inspect Slings For Safe Lifting - <u>English</u> | <u>Spanish</u>. Toolbox Talks are free to NUCA members. Member login required

Report Shows Huge Language Skills Gap Between Workers/Managers in Construction

The <u>report</u> from the American Council of the Teaching of Foreign Languages (ACTFL) shows that of all U.S. industries, construction has the largest gap between skilled workers who primarily speak another language and the number of managers who can speak those languages (40%) and that the gap is expected to widen as the need for new workers increases. Read more <u>here</u>.

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

Are you Leading or are you Lagging?

There's a lot of talk in the safety world about how to measure safety. Most measurements are done, post performance, where we count the injuries at the end and determine if we consider that success or not. Many times rewards and compensation are measured this way. Did you have an injury? You failed! There's a better way. Leading indicators are the tools we might use to measure our level of participation in the prevention process. Instead of saying, "You had an injury and you failed" we should be asking, "What were the steps you took to prevent the injury from happening?"

OSHA has a great tool with a lot of information on Leading and Lagging Indicators. Look at osha.gov/leadingindicators on line. There's some great information there. In fact there's almost too much information. The idea is to look at it and see what there is that you can use. The definition itself is informative. The measurement process is essential. Accountability is built in from top to bottom. It's a great way to prove we are working at prevention and not knee jerk reactions when things go wrong.

At the end of the year, when you look at your OSHA 300 log and it doesn't look that great, ask yourself, "What did I do to prevent these from happening?" and start checking the boxes. Did we train, did we equip, did we challenge, did we hold people accountable, did we measure it, can we prove it?" All those things can be part of the end result. Maybe things didn't quite go the way we planned. That's because over 80% of all worker injuries come from lack of awareness and poor choices. Those are hard to prevent but if we just rely on luck, we will never be able to tell whether we have an effective safety program or not. Be a Leader not a Lagger.



TO BENEFIT SEAMARK RANCH BAY SPONSOR

November 21, 2019

\$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, <u>The Flow</u>, and the state association publication, <u>The Ditchmen</u>.

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Name on card:		Billing Zip Code

2019 CLAY RAFFLE							
TICKETS: \$10 EACH OR 3/\$20							
To Purchase tickets, complete bottom of this form and mail with payment to: NUCANF, PO Box 16810, Jacksonville, FL 32245. Tickets will be sold at the cla tournament and drawing will be held on November 5th.							
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	OR \$450 CASH						
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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





Enjoy the luxury of the Lowes 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





2020 SLATE OF OFFICERS

The following is the recommendation from the Nominating Committee for the 2020 Officers & Board of Directors of NUCA of North Florida. Voting will take place via email. Each member firm of the association is allowed one voting member

2020 OFFICERS & BOARD OF DIRECTORS EXECUTIVE COMMITTEE

President Chad Cockrell, A. J. Johns, Inc. President-Elect Gabriel Powers, Vallencourt Construction Co. Inc. Vice President I Marty Adams, TB Landmark Vice-President II Jason Plauche, Petticoat-Schmitt Civil Construction Secretary/Treasurer Rob Pinkston, Ferguson Waterworks Past President Mike Kivlin, John Woody, Inc. General Counsel Tony Zebouni, Regan, Whelan, Zebouni & Atwood

BOARD OF DIRECTORS

Wesley Cook, Florida Roads Contracting Rick Erickson, Beard Equipment Company Billy Hood, J. B. Coxwell Contracting Drew Lane, Advanced Drainage Systems Rick Parker, Standard Precast Justin Scarberry, ECS Florida Jarod Wolford, Martin Marietta Materials Jon Woodall, John Woody, Inc.

NEW MEMBER SPOTLIGHT





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SUPPORT ISSUES IMPORTANT TO YOUR BUSINESSES. IF EVERY MEMBER WOULD CONTRIBUTE, NUCA OF FLORIDA COULD SUCCESSFULLY INCREASE THEIR CLOUT IN TALLAHASSEE.

SELECT CONTRIBUTIO	N AMOUNT	DONATE ON DIRECT TO FU	and the second se	MAIL CONTRIBUTIONS TO: NUCA OF FLORIDA 215 S. Monride ST., Suite 500 Tallahassee, R. 3230 1	DE FLORIDA
\$100	□ \$250	□ \$500		THER AMOU	INT \$
CONTACT INFORMATION					
FIRST NAME	MI	LAST NAME		COMP	ANY
MAILING STREET ADDRESS				SUITE	APT. NO
CITY		STATE	ZIP	COUN	TRY
EMAIL ADDRESS		PROJECT NAME (C	PTIONAL)		
		(SINGLE PAYMENT)	TYPE: AMEX		
CONTRIBUTION INFORMATION					

NOVEMBER FEATURED SPONSOR



Completing its 12th 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. 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. has delivered projects through traditional Design-Bid-Build, Design-Build, and Construction Management methods. Licensed in Florida, Georgia and South Carolina, 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. Ryan received 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
- 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 Treasurer for NUCA National.
- Kim Bryan, Vice President of Pre-Construction Services has served as two-time President for NUCA of North Florida and has served as a Board member for NUCA of Florida. She is currently NUCA of Florida's representative on the statewide Workforce Taskforce
- Jeff Rumer, Vice President recently relocated to Florida, Jeff is a past Chairman and long time Board member of NUCA National. He is currently Chair of the NUCA Trenchless Technology committee.
- 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 participates in the local Safety Directors Forum and is a contributing writer for *The Flow*.

Jason Plauche, Project Manager – is completing his second term as Board member for NUCA of North Florida. Paul Gilsdorf, Project Manager – is currently serving as NUCA of Florida Board member.

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, and has also received the NUCA National Community Service Award. PSCC has also been selected as the winner of two NUCA 'Top Job' Awards for excellence in construction.