

THE FLOW

Upcoming Events



March 20th

**Icemen Hockey
Ticket Order form on page 11**



April 7th

**Golf Tournament
St. Johns Golf & Country Club
Forms on page 9 & 10**

MARCH 2020

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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 March 12-14 NUCA of Florida will be holding their annual Bass Tournament. On March 20th we will be hosting an Iceman Game. There is a form to order tickets in this edition. On April 7th we will be hosting our annual Golf tournament, I believe we still have openings for a few golfing teams, Vendor Showcase and sponsorships opportunities so sign up asap. This event always sells out and we always have a great time.

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

2020 NUCA of North Florida

Monthly Sponsors

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CALENDAR OF EVENTS

March 10th

Executive Committee
3:30 pm

March 12th to 14th

NUCA of Florida
Bass Tournament

March 20th

Board of Directors
Icemen Event

April 7th

Golf Tournament
St. Johns Golf & Country Club

April 14th

Executive Committee
3:30 pm

May 14th

Board of Directors
Jumbo Shrimp Event

The Law and Your Business

The Law and Your Business- *Venue Selection Clause* By Tony Zebouni, Lindell Farson & Zebouni

It can never be overstated that the language in a contract, or contained on a web page, is critical in the adjudication of rights and responsibilities of parties to an agreement. One clause that is often inserted in contracts and on-line warranty provisions is the so-called “forum selection” clause, wherein the parties agree that any dispute (litigation or arbitration) will be decided in a specific county or Court.

In a recent case, the parties were in a dispute regarding where litigation must be filed. The aggrieved party filed suit in Miami-Dade Circuit Court, but the Defendant argued that its “on-line warranty” provided the following language:

ALL OTHER CLAIMS UNDER THIS GUARANTEE MUST BE MADE TO NGC. IN SUCH CASE, (A) THIS GUARANTEE SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF FLORIDA AS APPLIED TO TRANSACTIONS TAKING PLACE WHOLLY WITHIN FLORIDA BETWEEN FLORIDA RESIDENTS AND (B) SUBJECT TO CONTRARY COMPULSORY LOCAL LAW APPLICABLE TO A NON-US CLAIMANT, CLAIMANTS EXPRESSLY CONSENT TO THE PERSONAL AND SUBJECT-MATTER JURISDICTION OF THE STATE COURTS LOCATED IN AND FOR THE CITY OF SARASOTA, STATE OF FLORIDA AND THE FEDERAL COURTS LOCATED IN AND FOR THE CITY OF TAMPA, STATE OF FLORIDA.

The Court held that there are two types of forum selection clauses, mandatory and permissive. The clause recited above did not contain wording of exclusivity, only that the parties would consent to the Jurisdiction of the Courts in Sarasota. The clause did not state that Sarasota would be the “exclusive” venue. In summary, the Court decided that the language in the on-line warranty was permissive not mandatory and the case remained in Miami-Dade County. Close attention should be paid to the exact language in any contract document or representation on-line. *Rudman v. Numismatic Guaranty Corporation of America.*

NUCA OF FLORIDA LEGISLATIVE DAYS HIGHLIGHTS

NUCA of Florida legislative days kicked off in Tallahassee with an Executive Committee Meeting followed by a board meeting and luncheon. After lunch, we received a legislative briefing and then headed to the capitol for meetings with members of the Duval delegation. A reception was held in the evening at Carlton Fields in their Loungebrary.

On the second day, we had a breakfast briefing with Senator Jason Pizzo and then again headed to the Capitol for more visits.

The main pieces of legislation that we are supporting this year is the Public Works Local Government Bidding Process bill, Impact fees, Underground Facility Damage Prevention & Enforcement, Public Construction-Retainage, Water Quality Improvements, Deregulation and Education –Apprenticeship & Pre-apprenticeship Programs.

Thank you to Mike Kivlin, Gabriel Powers, Jason Plauche, Paul Gilsdorf and Rick Parker for joining us in Tallahassee for our legislative visits.





NUCA Washington News

House Democrats Propose \$760B Infrastructure Framework Bill

Unveiled at a press conference January 29, the wide-ranging infrastructure package will distribute funds over 5 years and includes \$329 billion for highways, \$50.5 billion for clean water/waste-water treatment, \$251.4 billion for drinking water, and \$86 billion for broadband and other communications. Read more [here](#).

President Trump Calls for Congress to Close the Deal on Infrastructure

In his annual State of the Union speech, President Trump urged both houses of Congress to move Sen. John Barrasso's (R-WY) \$287 billion surface transportation bill (S. 2302). "We must also rebuild America's infrastructure," remarked the President, earning rare bipartisan applause. Read more [here](#).

Electronic Injury and Illness Reporting Submission Deadline Approaching

When completing OSHA Form 300A, remember to include your [Employer Identification Number](#). Additionally, OSHA has included an updated Injury Tracking Application (ITA) which is accessible from the [ITA launch page](#), where you can enter F300A information. Some contractors must submit the 2019 form by March 2, 2020. Read more [here](#).

NUCA Association News

Registration for NUCA's Washington Summit Now Open

It is imperative during an election year that lawmakers understand important role that our industry plays in keeping the country healthy, clean, and prosperous. The best way to ensure this happens is to attend our annual summit in the Nation's Capital May 19-21, 2020, to share your personal expertise and experiences face-to-face with Members of Congress. Getting face time with your legislators is the best way to keep our industry at the forefront of their schedules. Learn more about Summit attendance [here](#).

NUCA Foundation Scholarship Applications Now Open

Any high school senior whose parent or legal guardian is employed by a NUCA member company in good standing or chapter at the time of the application deadline may apply. Learn more [here](#).

NUCA Releases Sample Pandemic Flu Policy for Your Company

In light of concern over the Corona virus outbreak in China, NUCA is reissuing its pandemic flu guidance to members. You or your H.R. staff can use it as a guide to ensure that your employees are informed and safe during potential outbreaks. While the virus is not a national emergency in the United States, it is better to be prepared beforehand with information and guidance. Please download the editable MS Word document [here](#).

Trench Safety Stand Down Week: June 15-19, 2020

OSHA's National Emphasis Program on Trenching and Excavation remains a high agency priority for the industry. Start thinking today about the 5th annual TSSD, scheduled for June 15-19. To participate you need only hold a 20-minute toolbox talk, show an excavation training video, or hold a training class. Every TSSD event can save lives. Read more [here](#).

NEXT MAN UP TRAINING SERIES: SHORING AND DEWATERING

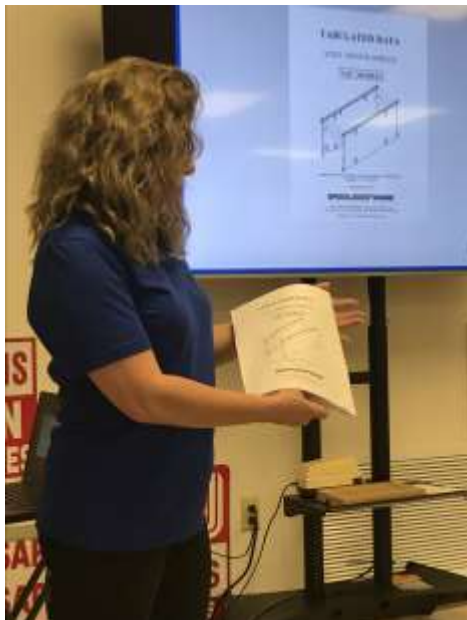
By Kim Bryan
Petticoat-Schmitt Civil Contractors

The latest in our “Next Man Up” training series was presented by United Rentals on February 20 at the A J Johns, Inc. training facility. The class was attended by about 15 participants from a variety of member companies.

Valinda Krynicki, the shoring sales representative at United, presented the first portion of the class focusing on trench safety. She reviewed OSHA trench safety standards including trench egress requirements, proper spoil pile placement and the “Three S’s: Shoring, Shielding and Sloping”. Her presentation included photos and descriptions of numerous types of shoring systems including slide rail systems, sheeting, hydraulic shoring and trench boxes. Valinda reviewed how soil borings, depth, site conditions and design are all utilized to help select proper trench protection for the job at hand. The class reviewed a Tabulated Data sheet from a standard trench box and the need to maintain this onsite. The class was also instructed as to when a site specific shoring plan was required to be designed.

Ashton Milam, United’s dewatering representative, brought attention to various dewatering methods in the second half of the course. He reviewed how existing soil conditions, design and specific site requirements impact the selection of both the dewatering method as well as the pump. He reviewed various types of wellpoint system components, including proper layout and elevations, header pipe selection, required depths, valves, point spacing and installation. Together with this, he reviewed how to select the correct pump for the system and application. Ashton brought his many years of experience to the class by teaching various troubleshooting methods, as well, for when a system doesn’t work properly.

Class closed with a Q&A session where Valinda, Ashton and Derek Pinard, also with United who assisted in the presentation, answered questions by the participants. NUCA of North Florida and its members would like to thank United Rentals, Valinda, Ashton and Derek, who contributed their evening to help train our “Next Man Up”.



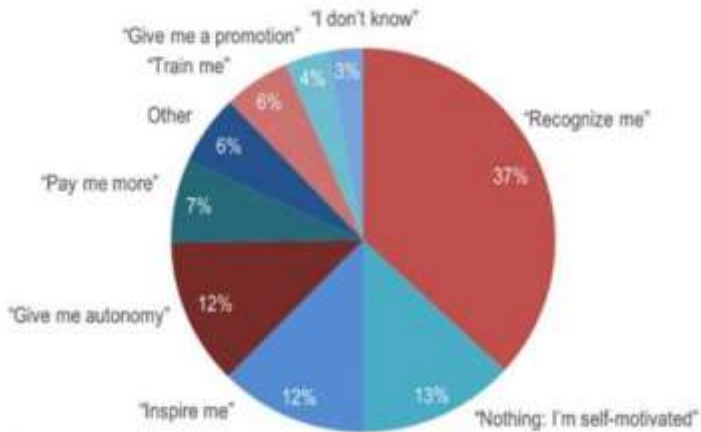
SAFETY NEWS

By Jeff Blomgren

Safety Director at Petticoat-Schmitt Civil Contractors

Why Is Employee Recognition So Important?

Most Important Drivers of Great Work



The pie chart is an enlightening gage of employee feedback on job satisfaction done in a study done by Cicero in 2015 called *Employee performance: What causes great work?*. What's surprising is that "Pay me more" was only 7% of the poll while the great majority, 37%, asked for nothing more than recognition. In an interview one of the questions was, "What is it about this place that you value the most?" The expectation would be, "The money." Instead the study found that the true value was placed on recognition. One individual had an answer that was interesting. "I would rather receive a hand written note of appreciation from my boss, or a personal "Shout Out" in front of my peers than any tangible reward like a hat or T shirt.

What's so interesting is that the ROI potential is tremendous. Just by implementing a serious recognition system for employees, we provide a leading indicator for a positive cultural environment. It's so simple, anyone can be alert for opportunities to recognize others and to give positive reinforcement to fellow workers. In a study done in 2018, the research showed that "recognition fulfills an employee's need to appear competent and feel a sense of belonging by socially connecting with colleagues in a meaningful way."

Benefits have been measured and there is hard data to support employee recognition as a significant incentive. It's a proven fact, retention is directly related to job satisfaction. The cost of hiring, onboarding and training an employee to be a productive addition to the team is costly. Productivity goes up, employees are satisfied and enjoy their work, higher loyalty, reduced employee turnover, teamwork improves, lower absenteeism and stress and most important of all, fewer accidents and injuries. Why wouldn't any company want to implement a process with such little capital investment for such a great return? How do we start?

The best formula for recognizing an individual for their efforts is:

1. Thank them by name.
2. Be specific about what it is they are being recognized for.
3. Explain how their performance made a difference.

Thank the person, by name, for their contribution.

The challenge is to keep track, train and develop supervisors, and everyone else, to be encouragers, and watch your progress.

NUCA of North Florida, Inc.
Cordially invites you to attend the

Annual NUCANF Spring Golf Tournament

St. Johns Golf & Country Club
205 St. Johns Golf Drive (Off 210 West)
Tuesday, April 7th, 2020
11:30 a.m. "Shotgun" Start

\$600 Per Team (4) includes 18 Holes of Golf, Greens Fee & Cart, Boxed Lunch, Beer and water at stops on the course, Team Handicap, Format (4-Man Captains Choice), Prize Holes and Door Prizes. Award Ceremony will be held in the Dining Room immediately following the end of play. **Price after March 6th, \$700 per team.**

Non-member Cost: \$800/team, \$900 after March 6th

Please fill out the entry below & mail (OR FAX) with payment to NUCANF by Friday, March 22nd.

Name	Company
Phone	Fax

Golfer: _____
Golfer: _____
Golfer: _____
Golfer: _____

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

Visa/MC/AX: _____ Exp Date: _____

V-Code: _____ Zip Code for Credit Card billing address: _____

(The V-Code is the last three digits in the signature strip on the back of the credit card (Visa/Mastercard) or the digits on the front on the card for American Express.

Name on card: _____

*A 5% processing fee will be added to all credit card charges.

Dress Code for Golf Course & Driving Range: Slacks or Bermuda shorts and collared golf shirt for men. No jeans, cutoffs, t-shirts or tennis attire.

Mail or Email this form to: NUCANF, PO Box 16810, Jax, FL 32245,
Ph: 296-1230 Email: nucanf@gmail.com

2020 NUCANF Golf Tournament Sponsorship Opportunities

For all sponsorships, your company will be acknowledged at the awards dinner the evening of the tournament and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen.

\$700 Gold Vendor Showcase

Your showcase includes Domestic beer (or several other options) at your hole, plus a 6 foot table and two chairs and a tee/green sponsorship. You will need to provide anything else that you need. Your company name will be prominently displayed on a sign at the hole. Also available are a bloody Mary Station, Jell-O-Shot Station, Cigar Station, or Hot Dog Station, or Arnold Palmer's Station. First come, first serve based on availability. Holes will be assigned in the order received.

\$500 Silver Vendor Showcase

Same as Gold Vendor Showcase but no beer will be provided.

\$450 Trophy Sponsor (limit one)

Sponsorship includes signage at event.

\$450 Registration Sponsor (Limit one)

Sponsorship includes signage at event.

\$450 Longest Drive/Closest to the Pin Sponsor (limit four)

Sponsorship includes signage at the hole.

\$450 Beverage Cart Sponsor (Limit two)

Sponsorship includes signage at event

\$450 Dinner Sponsor (Limit four)

Sponsorship includes signage at event

\$450 Lunch Sponsor (Limit four)

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

\$300 Green Sponsor (unlimited)

Sponsorship includes signage on the tee or green. Your company will be acknowledged at the awards dinner that evening and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen.

Payment: _____ Check Enclosed _____ Please invoice me for total amount

Charge my credit card:* _____ For total amount _____ For monthly installments(Feb & Mar)

*(Please complete Credit Card Authorization form. A 5% processing fee will be added.)

Company Name: _____ Your Name: _____

Phone: _____ Signature: _____

Return with payment to: NUCANF, PO Box 16810, Jacksonville, FL 32245



JACKSONVILLE ICEMEN TICKET ORDER FORM

Friday, March 20, 2020

Tickets are \$50 each and include an hour of complimentary beer in VIP Room prior to the game and a complimentary Icemen gift for each attendee. After the game, everyone is invited onto the ice to take a group photo. Doors open at 6:00 pm and game starts at 7:00 pm. Please provide mailing address for tickets. In order to allow time to mail tickets, please submit your order no later than Friday, Feb. 28th.

NAME: _____

COMPANY NAME: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____

of Tickets _____ @ \$50/ticket Total Ticket Cost _____

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

Credit Card #: _____ Billing Zip: _____

Expiration Date: _____ V-Code: _____

(The V-Code is the last three digits in the signature strip on the back of the credit card (Visa/Mastercard) or the digits on the front on the card for American Express.

Name on card: _____

*A 5% processing fee will be added to all credit card charges.

Please complete and email to nucanf@gmail.com by Friday, Feb. 28th.

NEW MEMBER

Please join us in welcoming the following new member to the NUCA family.

Duval Asphalt Products

Contact: Jennifer Garrett, Director of Marketing

7544 Philips Highway, Jacksonville

Phone: (904) 296-2020

Email: Jgarrett@duvalasphalt.com

Website: www.duvalasphalt.com



**Let's
DO THIS**

NUCA's Washington Summit

May 19–21, 2020

(Capitol Hill visits on May 20)

2020 is an election year. It's time for Congress to start building again!

Several infrastructure funding bills remain pending in Congress. Our nation must invest in infrastructure and your expertise and passion are vital to making Congress hear our message loud and clear.

We need you at the 2020 NUCA Washington Summit to ensure that Congress finishes its job so we can do ours and build America. For more information, visit nuca.com/summit. Online registration opens in early 2020.

BOARD MEMBER SPOTLIGHT



Wesley Cook join the NUCA of North Florida Board of Directors in January. He works for Florida Roads Contracting as Vice President of Operations.

Tell us about the services your company provides.

Florida Roads provides development and construction services in Northeast Florida. We undertake earthwork, grading, underground utilities, road construction, curb, sidewalk, and paving.

What is your business philosophy?

Create and Nurture positive employee and customer relationships.

What are your hobbies or interests outside of work?

Currently, converting my light medium tactical vehicle (LMTV) to an off-road RV.

What is your favorite travel location?

Anywhere in the Caribbean.

If you could have dinner with anyone, living or deceased, who would it be and why?

My grandfather. He was a great influence to me and had a great mind for business.

What are you currently reading?

The Dichotomy of Leadership by Jocko Willink.

Grill master or reservations? Grill master!

KEEP US AT THE TABLE ON THE HILL!

BIDDING

FOR BENJAMINS

WHEN YOUR COMPANY IS AWARDED A BID OR NEW PROJECT

PASS ON \$100

(OR MORE IF IT'S A REALLY BIG PROJECT)

TO SUPPORT NUCA OF FLORIDA'S ADVOCACY FUND

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

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DONATE ONLINE
DIRECT TO FUND

MAIL CONTRIBUTIONS TO:
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215 S. MONROE ST., SUITE 500
TALLAHASSEE, FL 32301

NUCA
NATIONAL UTILITY & CONSTRUCTION ASSOCIATION
OF FLORIDA

☐ \$100 ☐ \$250 ☐ \$500 ☐ OTHER AMOUNT \$_____

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

☐ CHECK ☐ INVOICE ME
☐ CREDIT (SINGLE PAYMENT) TYPE: ☐ AMEX ☐ VISA ☐ MC ☐ DISC

CREDIT CARD NUMBER	EXP. DATE (MO/YR)	CVV #
SIGNATURE FOR CREDIT CARDS		

SAVE THE DATE

MARCH 12-14, 2020



20TH ANNUAL ANDREW SCOTT JOHNSON MEMORIAL SCHOLARSHIP FOUNDATION BASS TOURNAMENT

TIME & LOCATION:

MARCH 12-14, 2020

DAYS INN/PIER 2, LAKE OKEECHOBEE

HOTEL RESERVATIONS:

For Hotel Reservations in the NUCA FL discounted rate room block, contact Kari Hebrank via email

khebrank@carltonfields.com or phone 850-513-3607

or Rebecca Brown via email rbrown@carltonfields.com or phone 850-224-1585.



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Your Guarantee of Quality**



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- ✓ Asphalt Sealcoating
- ✓ Asphalt Repair
- ✓ Decorative Asphalt

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duvalasphalt.com

MARCH FEATURED SPONSOR



ABOUT OUR COMPANY

Local: The Jacksonville office of Engineering Consulting Services (ECS) is a premier provider of geotechnical engineering, construction materials testing, environmental consulting and facilities engineering services. Our laboratory is AASHTO Accredited and CCRL Certified to provide testing of soil, concrete, aggregate, hot mix asphalt, bituminous materials, and sprayed fire-resistive materials. We have one of the largest fleets of drill rigs in the southeast that are certified and proficient at drilling projects both on land and over water, including a GeoProbe® with direct push capabilities.

Florida: ECS Florida, LLC is one of the operating entities of the ECS Group of Companies with office locations in Jacksonville, Gainesville, Daytona, Orlando, Tampa, West Palm Beach, Fort Myers and Brunswick, Georgia. With more than 170 employees, ECS Florida, LLC is equipped to help projects from conception through conservation for both the private and public sectors.

Company: Founded in 1988, ECS currently operates in over 65 locations throughout the Mid-Atlantic, Midwest, Southeast and Southwest. Utilizing the strengths, experience and expertise of more than 1,700 staff across the company, ECS is able to save our clients time and money.

OUR VALUE

ECS embodies its philosophy of “Helping you build while helping you save” by using technology and experience to assist clients in the development of cost-effective and practical solutions. For over three decades, our value engineering consulting has resulted in our clients saving millions of dollars on projects.

CONTACT US

We have been a proud member of NUCA since 1990. For more information about ECS’ services or to discuss your next project, please contact:

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7064 Davis Creek Road
Jacksonville, FL 32256
904.880.0960

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Joey Broussard, PE
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