

THE FLOW

Upcoming Events



November 19th



**Benefit for NUCA of Florida
Registration & Sponsorship
On page 9 & 10**

NOVEMBER 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!

We will be hosting our annual NUCAF Clay shoot will be on November 3rd. This event always sells out, so get signed up as soon as possible to ensure your spot at the shoot. Not a shooter, please consider sponsoring this event. On November 19th we will be hosting our Annual Top Golf Event to benefit NUCA of Florida. Additional information about this event is in this edition. We look forward to all of your help this year with supporting our State Chapter. NUCA of Florida has been hit hard during this COVID-19 Pandemic because of the cancellation of their conference and without them our local chapter would suffer also.

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

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CALENDAR OF EVENTS

November 3rd

Sporting Clay Challenge
Jacksonville Clay Target
Sports

November 10th

Executive Committee Meeting

November 19th

Board of Directors Meeting
Top Golf
4:30 pm

November 19th

Top Golf Event
To benefit
NUCA of Florida
6:00 pm

Feb. 4th to 6th

NUCA Convention
Naples Grande Beach Resort

April 13th

Golf Tournament
St. Johns Golf & Country Club

The Law and Your Business

The Law and Your Business– *Incorporation by Reference of Prime Contract* By Tony Zebouni, Lindell, Farson & Zebouni

All language in a prime/subcontractor contract is important. A recurring issue for subcontractors is found in the definition of contract documents and certification of inspecting and testing the project site.

Subcontracts often contain similar language:

“Contract Documents” shall mean this Subcontract, together with the Exhibits and Attachments hereto, **the Prime Contract between the Owner and Contractor (hereinafter referred to as the “Prime Contract”)**, and any plans, specifications, drawings, conditions (general and special), addenda or modifications in connection with the Prime Contract. The Contract Documents are enumerated in Attachment B and are available for reasonable times at the office of the Contractor. Subcontractor represents and agrees that it has (i) carefully examined and understands the Contract Documents as the same pertain to the Work; **(ii) adequately investigated the nature and conditions of the Project site and locality; (iii) familiarized and satisfied itself with the conditions affecting the performance of the Work;** and (iv) entered into this Subcontract based on its own examination, investigation and evaluation of the Project site and the Work and not in reliance upon any opinions or representations of the Contractor.

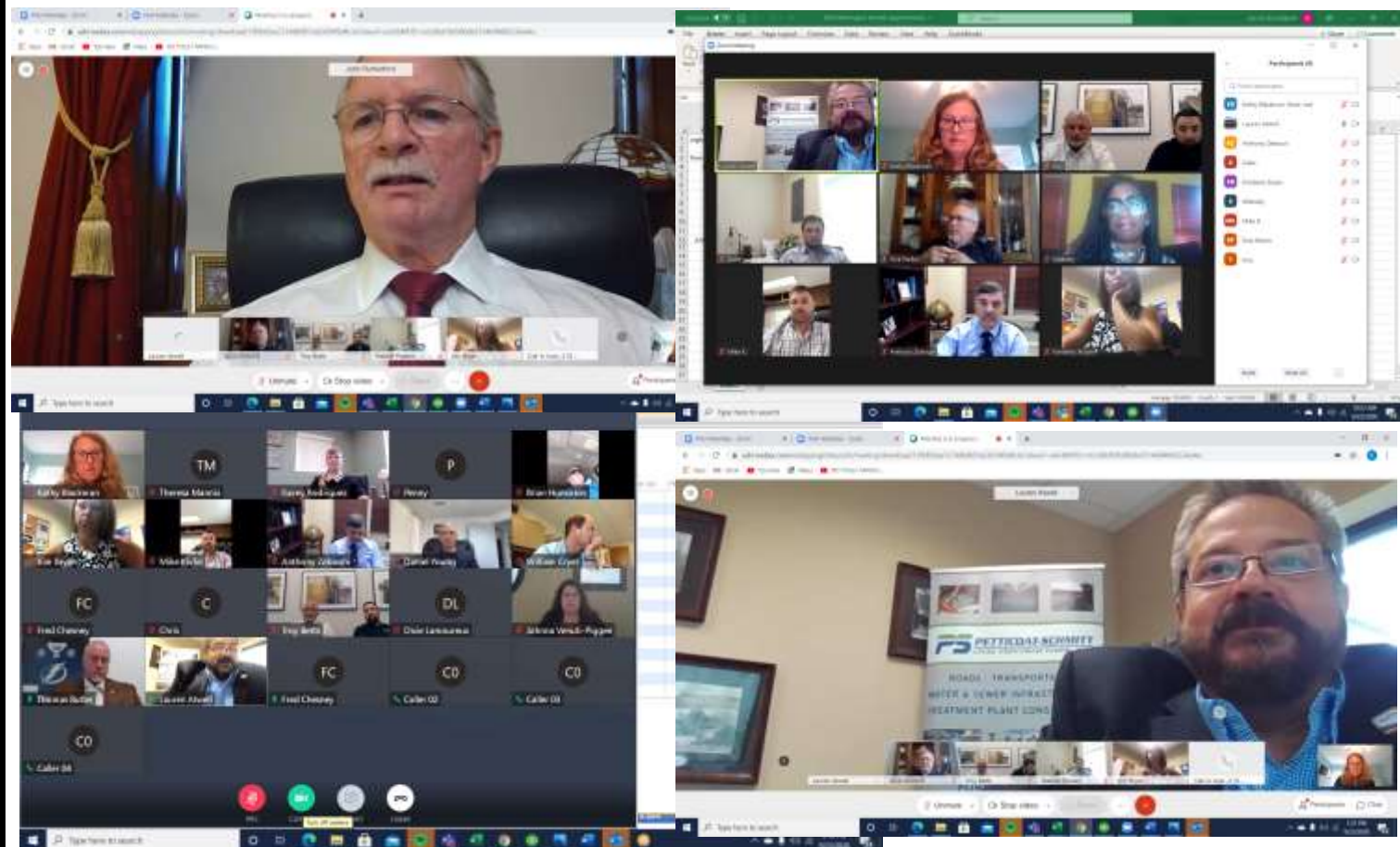
The failure to familiarize yourself of the requirements of the prime contract could result in a subcontractor being stuck with a responsibility to indemnify the General Contractor, venue in a foreign state, or notice requirements that were not specified in the subcontract. Once you have familiarized yourself of the contents of all the “contract document” you may wish to strike any provision that is not exactly accurate or attempt to negotiate for better contract terms. This negotiation option is available on both private and many public projects. As a general contractor, you would want this language in your agreement with your subcontractors.

NUCA (Virtual) Washington Summit a Success

NUCA's first-ever virtual Washington Summit delivered successful results towards our advocacy goals. The 142 attendees registered for the Sept. 23 event participated in over 75 meetings with their elected officials and staff. Our attendees were able to make their priorities known to their lawmakers, and promised to stay in contact with them to follow through with their commitments in FY2021 infrastructure resources. If you would like to read more about the Summit, go to our special Summit webpage at www.WeDigAmerica.org.

Members from our chapter met virtually with Rep. John Rutherford, Mrs. Kortney Wesley, Jacksonville District Director for Rep. Al Lawson, and Chris Griswold, Legislative Assistant for Senator Marco Rubio. Our key issues this year were: Infrastructure Investment , Pipeline Safety Legislation , and Broadband Deployment .

Thank you to the following members who joined us on our calls: Lauren Atwell and Kim Bryan, Petticoat-Schmitt Civil Contractors, Troy Betts and Tim Gaddis, Vallencourt Construction, Mike Kivlin and Jon Woodall, John Woody, Inc., Gabe Powers, Burnham Construction, and Tony Zebouni, Lindell, Farson & Zebouni.





2020 NUCANF GOLF TOURNAMENT



Platinum Sponsor—Beard Equipment Company

Vendor Showcase Participants

Advanced Drainage Systems

All Pro Asphalt, Inc.

Beard Equipment Company

Bobcat of Jacksonville

Briggs JCB

Cecil W. Powell & Company

Duval Asphalt Products

Ferguson Waterworks, Inc.

Forterra Pipe & Precast

Fortiline Waterworks

Insurance Office of America

Linder Industrial Machinery

MWI Pump Rental

Port Consolidated

Standard Precast Corporation

Synergy Equipment

Trekker

United Rentals Trench Safety

Event Sponsors

Dinner Sponsor

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Closest to the Pin

Lunch Sponsor

Lunch Sponsor

Dinner Sponsor

Dinner Sponsor

Closest to Pin on Hole #5

Hole in One Sponsor

Dinner Sponsor

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Briggs JCB

Core & Main

Equipment Share

Florida Roads Contracting, Inc.

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Legacy Engineering

United Rentals Fluid Solutions

Vallencourt Construction Co., Inc.





One-Year FAST Act Extension Lobbied by NUCA, Authorized by President

One of NUCA's priorities at Washington Summit was to advocate for a one-year extension to the existing surface transportation law, the FAST Act. Our Summit attendees made it a priority to explain to their lawmakers about the importance of a one-year extension instead of one only lasting a few weeks. Our industry's projects need the stability of long-term planning--and Congress listened. President Trump signed the extension legislation through September 2021 into law hours before the law was set to lapse on Sept. 30. Read more [here](#).

811 Public Awareness Reaches New Heights

The Common Ground Alliance, of which NUCA is a member, released its findings from its 2020 public awareness research on Call 811. Overall awareness of 811 services has reached 50%, the highest point to-date, and the majority of respondents said they were likely to contact 811 when planning a future project. Read more [here](#).

Election 2020: Make Sure You and Your Employees Vote!

As NUCA begin planning our 2021 legislative strategy, please make sure that you are registered to vote and have a plan to cast your ballot, be it by mail or in-person, either early or on Election Day, November 3. If you or your employees are not sure how to register to vote, or unsure of your registration status, you can find more information at [USA.gov/voter-registration](https://www.usa.gov/voter-registration) or at your state board of elections website.

Digging Deep: Read Our Expert Analysis of the U.S. Senate Races

NUCA's government affairs department released in early October their analysis of the 2020 U.S. Senate races. A new and exclusive NUCA member benefit delivered by email to you, "Digging Deep" examines your U.S. Senate race and the ones in your region and delivers NUCA's expert analysis of the contest and how its result may affect Congress next year. A U.S. House analysis will be released shortly for selected House lawmakers who wield influence upon our industry. Read more [here](#).

Have You Checked Out NUCA WINS?

NUCA's Workplace Incident Notification System (NUCA WINS) is an incident recording app that employees' can easily operate on their mobile device to document the situation at the point-of-occurrence. In a matter of a few minutes' incidents can be easily and completely documented, including: injuries and illnesses; property, liability, and utility strikes; near misses; safety observations; and more. Learn more [here](#).

Industry Relief: Registration is Now Open for the NUCA 2021 Annual Convention

NUCA is headed back to the Naples Grand Beach resort for our 2021 annual meeting & convention, February 4-6, 2021. We are excited to revisit an amazing location on the beautiful beaches of Florida for another memorable NUCA convention! Get out of the house and come network with your fellow NUCA members and industry professionals in a beautiful setting. [Learn more here](#).

Is Your Company's Information Ready for the Industry's Premier Buyer's Guide?

Utility Contractor's next issue is the annual NUCA's Buyer's Guide. Make sure your contact and product information is up-to-date and accurate to help potential business find your company. Log into your NUCA member's account at www.nuca.com and update your online profile before October 30, 2020. If you need assistance logging into your account, please contact NUCA's membership manager Meredith Leutbecker at 703-358-9300 or by [email](#).

SAFETY NEWS

By Jeff Blomgren
Safety Director at Petticoat-Schmitt Civil Contractors

Marijuana and the Workplace

Recently the SHRM, Society for Human Resource Management, issue August 13, 2020, published material that had some startling information on drug testing and marijuana in the workplace. The legalization of marijuana has changed the dynamic of testing related to positive tests for marijuana. The states that legalized recreational use and medical use of marijuana has complicated the process. This also varies by county. Many worker see no problem with indulging in a product that they see as no more than a legalized drug like alcohol. The result is that more workers are testing positive for drug use. The percentage for positive drug use has increased by 4.5 percent. That's a 16 year high and in 2019 marijuana topped the list.

What is amazing is that the report noted, only 1.47 percent of US job postings mention pre-employment drug screening as a requirement and just 0.66 percent mentioned regular drug screening. There's another related danger. The labor pool in some industries is very small. The increase in positive drug tests causes some employers to hesitate to do effective drug testing for fear of not having enough employees to effectively operate. There's a significant danger in that thought process. Yes we need people, yes we need to be productive, but, workplace safety should be the focus of our intent as employers. A competent and unimpaired workforce is our goal.

The solution is to know the law and to develop an effective drug policy. Laws vary from state to state and county to county. Federal law is clear. Marijuana use is illegal. Most states still allow employers to ban marijuana use and this is particularly applicable in safety sensitive positions. Clearly identifying those positions in your policy will facilitate a positive enforcement plan. Asking the questions of what may constitute a safety sensitive position could be as simple as a flagger. A flagger is responsible for the safety of the crew working in the area as well as the motoring public. As simple as that job is, it carries significant safety responsibility. Other positions could be operators of equipment, drivers of company vehicles and heavy trucks.

The type of tests used should be considered. To date the most effective and economical test is the on-site saliva or swab test. Altered urine tests have become commonplace but saliva tests are not so easy to compromise in spite of the YouTube advice on fudging the test. It gets complicated with the increase of medical use marijuana but the content of the oils and consumables can be identified as CBD THC free and this type of drug will most likely result in a negative test. The level of THC will affect the test. Educating the supervisors on recognition of impairment, establishing a solid drug policy, consistency in enforcement and using effective testing procedures will help to control a growing issue.



TOPGOLF®

**TO BENEFIT NUCA OF FLORIDA
BAY SPONSOR**

November 19, 2020

\$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, The Flow, and the state association publication, The Ditchmen.

Company Name: _____

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

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

Return with payment to:

NUCANF, PO Box 16810, Jacksonville, FL 32245 or fax to (904) 296-1231.

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



TOPGOLF

TO BENEFIT NUCA OF FLORIDA

Thursday, November 19th, 6:00 pm

Fee includes three hours of golf play, two drink tickets good for beer or wine and a buffet dinner. Cost is \$100 per player. Space is limited to 48 players.

Name	Company
Phone	

Attendees:

Name: _____
Name: _____
Name: _____
Name: _____

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Visa/MC/AX: _____ Exp Date: _____

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Name on card: _____

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

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



2020 CLAY RAFFLE

TICKETS: \$10 EACH OR 3/\$20

To Purchase tickets, complete bottom of this form and email to nucanf@gmail.com with your credit card information. Tickets will be sold at the clay tournament and drawing will be held on November 3rd.

Prizes:

**Yildiz SPZ ME/12 12 Gauge Over-and-Under Shotgun
OR \$450 CASH**

of Tickets _____

(Name)

(Company Name)

(Mailing address)

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

Visa/MC/AX: _____ Exp 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: _____ Billing Zip Code _____

NUCANF* PO Box 16810*Jacksonville, FL 32245



HAPPY THANKSGIVING!

We thank all of our members for your support this year and wish you and your families the happiest of Thanksgiving celebrations!

9th Annual Sporting Clay Challenge
TUESDAY, NOVEMBER 3, 2020
JACKSONVILLE CLAY TARGET SPORTS
12125 NEW BERLIN ROAD

HERE'S THE SCHEDULE

MORNING SHOOT		AFTERNOON SHOOT	
7:30 AM	Registration	11:00 AM	Registration
8:30 AM	Safety Briefing	11:30 AM	Lunch
9:00 AM	Shotgun Start	12:30 PM	Safety Briefing
11:30 AM	Lunch	1:00 PM	Shotgun Start



NAPLES FLORIDA

Annual Convention and Exhibit

February 4–6, 2021

Let's Go Back To The Beach

**Naples Grande Beach Resort
475 Seagate Drive | Naples, Florida**

Generously Sponsored By Our National Partners

NUCA is heading back to the Naples Grande Beach Resort in Naples, Florida, for our 2021 Annual Meeting & Convention. After a year without travel, heading to the beautiful Naples Grande Beach Resort in Florida to reconnect, learn, talk business, and having a little fun makes a lot of sense.

- Engaging committee meetings
- Meeting new industry colleagues and old friends
- Colleague recognition awards & Top Jobs
- Thought-provoking educational and roundtable sessions
- Exhibits with our National Partners
- Memorable team building & live auction events
- 2nd Annual CEO Bobble Head Golf Tournament
- Inspiring speakers, fun social events, and so much more!

Come to Florida & Enjoy Your NUCA Membership!

WWW.NUCA.COM/CONVENTION



Registration is Now Open!

Early-bird registration ends
November 30, 2020.

2020 FEATURED SPONSOR



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 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 350 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, the Asphalt Contractors Association of Florida, and Alabama Utility Contractors.



Beard Equipment Company
6870 Phillips Highway
Jacksonville, FL 32216
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Visit beardequipment.com or call
800-848-8563 to find a location near you!