THE FLOW

Upcoming Events

<u>August 10th</u> Executive Committee

> <u>August 18th</u> Lien Law Class 11:30 am

August 21st



Fishing Tournament NEFMA St. Augustine Form on pages 11-13

AUGUST 2021

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20210FFICERS & BOARD OF DIRECTORS

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PRESIDENT'S MESSAGE

Hello Members,

It was great seeing everyone a couple of weeks ago at our Scholarship Night. It's always great for our industry to give to the future of this country. Other than the young lady saying she was going to Georgia, it was a great success! Go Gators!

There have not been any big changes in the last month. Nor is there any news to report. The pipe pricing seems to have leveled off. It's high but does not appear to be changing daily. Taking the unknowns out of this situation helps with our business planning.

We will be holding a 'Lien Law Lunch and Learn' on August 18th at the A.J. Johns training facility. This class will cover private and bonded work here in Florida. Kathy will send out an email on how to sign up for this class.

Our annual fishing tournament will be held on the 21st of August. Weigh in line opens at 1:00 and closes at 2:30pm at the Northeast Florida Marlin Association, 3030 Harbor Drive, St. Augustine. Please get signed up. This event is loads of fun for everyone!

We have several events left this year: September - monthly meeting and Safety Director's Forum October -Next Man Up equipment class November - Clay Shoot and Seamark Ranch Top Golf event.

Come out and get involved. You won't be disappointed.

Stay Safe and God Bless,

Marty Adams <u>madams@tblandmark.com</u>

If you don't have time to do it right, when will you have the time to do it over? John Wooden

2021 NUCA of North Florida

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CALENDAR OF EVENTS

August 10th Executive Committee Meeting

> <u>August 18th</u> Lien Law Class

August 21st Fishing Tournament

<u>September 14th</u> Safety Director's Forum Executive Committee Meeting

<u>September 16th</u> Board of Directors & General Membership Meeting

> September 23rd NUCA of Florida Board Meeting

<u>September 24th</u> President's Cup Golf PGA National Resort & Spa Palm Beach Gardens

The Law and Your Business

The Law and Your Business – Safety and Liability in Underground Excavation Christian Lake, Esq., Lindell Farson & Zebouni

Many of you reading this newsletter are involved, in one way or another, with underground excavation. As such, it is important to understand the laws that apply to underground excavation and how those laws come into play when something goes wrong. Recently, the Florida Supreme Court decided a case involving an underground pipeline explosion that resulted in severe injury to one of the workers performing the excavation. In that case, *Peoples Gas System v. Posen Construction, Inc.*, the court discussed the Underground Facility Damage Prevention Safety Act (the "Act") and how it applied in problematic excavation projects.

The explosion in this case occurred after Posen gave advanced notice of an upcoming excavation. PGS claimed that Posen's notice was insufficient under the Act. Upon commencing excavation, Posen struck and ruptured a pipeline maintained by PGS, causing an explosion, and a Posen employee was severely injured. The injured Posen employee sued both Posen and PGS for his injuries. Ultimately, he settled with PGS in exchange for payment and he dismissed his case against Posen. PGS then attempted to recover the money it paid in the settlement from Posen based upon its position that Posen's own negligence caused the explosion. This sort of action is called an "indemnity" action

Under the Act, a contractor seeking to perform underground excavation must give two-days advance notice of the excavation. Any operator who receives notice of the excavation and who has underground facilities that may be impacted must mark the area of those facilities prior to the end of the two-day notice window.

While the Supreme Court decided that the Act does create the right to bring suit for negligence in excavation practices, the Court ruled that the Act does not allow parties to seek indemnity based on another party's negligence, which is what PGS was trying to do. Therefore, PGS was unable to recover the monies it paid in the settlement from Posen under the Act.

The Court also ruled that the Act provides for damages only when the negligence of another party is the "proximate cause" of the injury suffered. This requires that the action of the other party be the actual cause of the injury and not just an action that was a step along the way towards the injury. However, a party can raise a defense that the other side was also negligent and that the damages should be offset by the amount of negligence the Court finds the other side liable for.

Finally, the Court stated that the Act provides for a broad range of damages resulting from violations of the Act beyond simple property damage. This opens the door for an injured party to seek most, if not all, damages needed to make them whole.

If you have questions regarding best practices for underground excavation pursuant to the Act, or about lawsuits for violations of the Act, please contact the law offices of Lindell Farson & Zebouni, P.A.

<u>SCHOLARSHIP NIGHT HIGHLIGHTS</u>

One of our members favorite nights of the year is when we get to recognize our scholarship winners. On July 15th, we hosted an event at the Aloft Tapestry Park. We kicked off the night with some networking time over beverages and appetizers.

Our scholarship chair, Mike Gruber presented the scholarship check to Caroline Hunt, the winner of this year's J. Richard Baker Scholarship. Bryce Williams, the winner of the Mike Allen scholarship was unable to attend but his parents Michelle and Shane received his check on his behalf. Get to know our scholarship winners in separate article in this edition.

We are pleased to have Greg Voss, Seamark Ranch as our guest speaker. Greg thanked our association for all of our work over the years supporting Seamark. There are lots of things happening at the ranch. Construction was just completed on Cole's Courts, a multi-game court (basketball, volleyball & tennis). There are currently 4 homes as Seamark, 2 boy's homes and 2 girl's homes. Seamark's Equestrian Program uses a "hands-on" approach to enhance skills, re-establish trust and motivate positive change. By caring for and riding Seamark's horses, children learn respect for self and others, empathy, self-control, confidence, accountability, and problem solving. Seamark is a working farm! Here the children care for animals, work the soil, cultivate crops and participate in outdoor activities in a safe, wholesome environment. In addition to producing fresh food daily for our home menus, the children are learning self-sufficiency, teamwork and responsibility. Seamark also has a school for Seamark residents as well as kids from the community. There are a variety of volunteer opportunities as well as ways to financial support the ranch. Visit Seamark's website at seamarkranch.com for additional information.

Lauren Atwell, Chairman of NUCA national also provided us with an update of things happening with our national association. Please see the NUCA news on page 7 for additional information.



HUNT AWARDED J.RICHARD BAKER SCHOLARSHIP

The J. Richard Baker Scholarship is given to a 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.

Selection is based on the general worthiness of the application. The NUCANF Scholarship Committee considers scholastic standing, ACT and/or SAT scores, extracurricular activities, career goals, past employment, essay and thoroughness of the completed application.

This year's recipient of the J. Richard Baker Sr. Award is Caroline Hunt, daughter of Josh Hunt, Ferguson Waterworks and Laurie Hunt. Caroline recently graduated from Allen D. Nease High School where she had a class standing of 96 out of 628 with a GPA of 4.25. Caroline's academic honors include: National Honor Society member, National Hispanic Honor Society, Mu Alpha Theta Member (Mathematics National Honor Society), AP Scholar Award, AYAA Character Award Recipient, and National Honor Society Honorable Mention Scholarship Award. While at Nease, Caroline founded PAWS for a Cause where she also served as Treasurer. She served as Junior Ladies Historian, Senior Women's Historian, and Revisions edition for the student newspaper in 10th grade, Happenstance Literary editor in 11th grade and Editor in Chief in 12th grade.

Caroline will be attending The University of Georgia where she will be majoring in Psychology and minoring in Genetics. Congratulations and best wishes for your freshman year!





Infrastructure Package Negotiations Continue...

Negotiations in both the House and Senate continued over the Independence Day recess, with a bipartisan House group, the Problem Solvers Caucus, announcing they support the Senate's own centrist group \$1.2 trillion (over eight years) core infrastructure plan. The caucus, which includes 29 Democrats and 29 Republicans, is significant for the GOP support, which may be enough to pass this package in the House. However, details of the package beyond a framework remain remains unknown, since no legislation formalizing this deal has been introduced in either chamber. And news reports continue to highlight that payment for the plan remains in question. <u>Read more here</u>.

U.S. House Approves \$168 Billion for Water SRFs

On July 1, the House passed its INVEST in America Act (H.R 3684), which included a reauthorization of the surface transportation bill advocated by NUCA members during the spring Washington Summit. The bill also includes a whopping \$117 billion for the Drinking Water state revolving fund (SRF) and lead pipe replacement projects, and \$51 billion for the Clean Water SRF. These are significant increases from past funding levels, and is strongly supported by NUCA.

While the bill does include some labor policy changes not supported by NUCA, H.R. 3684 now heads to a conference committee to work out the differences, remove partisan language that will not pass a sharply divided Congress, and merge it with the Senate's version (S. 1931). NUCA expects that Senate bill to be voted on by the upper chamber later this month before their August recess. NUCA will keep our members appraised on its progress in the weeks ahead. <u>Read NUCA CEO</u> <u>Doug Carlson's statement here</u>.

Sign Up For NUCA's Muster Advocacy Program

With infrastructure the hot topic in Congress this spring, make sure you sign up to NUCA's Muster legislative action alert service. It's easy to do, and we'll then alert you by email to upcoming infrastructure legislation that you can help promote and support. We've even completed a pre-written letter that you can send to your federal lawmakers with a click of your mouse. Sign up today to make your company part of getting America back to work! Sign up <u>here</u>.

Expanded NUCA Advantage Member Benefits Program Now Available

Our association's popular benefits program is expanding to help address our members' many employee workforce and business needs. The expanded program, announced at our 2021 Convention and now online at <u>www.NUCAAdvantage.com</u>, will include not only include the online portal to an expanded healthcare benefits options but payroll, wellness, compliance, benefits administration, online learning, OSHA logs, and include a wealth of free benefits available only to NUCA members. You can learn more about the program by watching our March 26, 2021 NUCA Advantage webinar, which is available at <u>NUCA's YouTube channel</u>.

Past NUCA Webinars Available Online Now!

Did you miss that webinar you were looking forward to because work got hectic? We've got you covered! Just head over to NUCA's <u>webinar</u> webpage at NUCA.com and watch the wide variety of recorded sessions waiting for you. The webinar page is updated after each webinar, so even if you can't attend, you still have access to all the great content.

SAFETY NEWS

By Jeff Blomgren Safety Director at Petticoat-Schmitt Civil Contractors

Safety and Good Housekeeping – Best Practices

Anyone who has raised teen agers knows the value of good housekeeping. What they learn early on will sustain them throughout life. However, if the groundwork isn't laid early on, those good habits will not only be ignored in their personal lives but in their business lives as well. As anyone who has had military service knows the importance of good housekeeping. They will tell you that it can be a matter of life and death. That's no exaggeration in the workplace either. Take the example of the excavator operator who practices poor housekeeping. There's dirt accumulated on the floor of the operators cab and there are tools on the floor. One of those tools became wedged under the brake pedal and the operator tried to stop and ran into the superintendents truck. Or the pile of form boards that are laying all over with nails sticking up and an employee has a puncture to his foot. Examples like this abound in our industry and they don't need to. There are some simple steps that can be taken to correct poor housekeeping.

- 1. Teach employees to clean up after themselves. Recognize good practices, correct poor practices
- 2. Schedule routine cleaning. Couple it with inspections, fire extinguishers, first aid kits, safety equipment. Set aside a time at the end of the day or week to clean up.
- 3. Store materials neatly to avoid handling more times than necessary.
- 4. Keep tools and equipment organized. Ask any utility company what their small tool costs are and the answer will be "too much". Lost tools and damaged equipment is a direct impact to the bottom line.
- The results of good housekeeping steps can be measured.
- A. Less waste. Clutter consumes time and resources.
- B. Employee retention. A clean workplace builds responsibility, pride and ownership.
- C. Fewer repairs. Anyone knows that washing your own car can help you identify scrapes and maintenance items that might go ignored. Regular maintenance and cleanliness extends the life of machines and equipment.
- D. Reduced exposure to hazards. A clean work space is a safe workplace. That may sound contrary to the type of work we do, but many slip trip and fall hazards can be eliminated by good housekeeping.

We expect good housekeeping in areas where we think it might be important to us. Grocery stores, restaurants and businesses are locations where we expect things to be easy to find, healthy, and accessible. Why not have that same expectation in our workplaces. Wouldn't it be interesting to have something like "THE YARD OF THE MONTH" for construction sites? "JOBSITE OF THE MONTH". Have you got one?





WILLIAMS AWARDED MIKE ALLEN SCHOLARSHIP

The Mike Allen Scholarship is given to a high school student, High School graduate, Undergraduate College Student or Graduate Student who is the daughter or son of a NUCANF member company employee or a member company employee and is enrolled or will be enrolling full or part time in an academic institution of higher education 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 Mike Allen Scholarship is a \$1,000 one-time award.

Selection is based on the general worthiness of the application. The NUCANF Scholarship Committee will consider, scholastic standing, extracurricular activities, career goals, past employment, essay and thoroughness of the completed application. Special consideration will be given for those pursuing degrees in construction related fields.

This year's recipient of the Mike Allen Award is Bryce Williams, son of Shane Williams, Sunbelt Rentals and Michelle Williams. Bryce attends the Emerson College majoring in Global Film Art. Bryce is also a member of the Undergraduate Research Scholars Program. This program is a year-round program with 9 months of academics based in Paris and summers spent in Boston or the Netherlands. Bryce is a singer, songwriter and guitarist. He added Stanton College Prep High school where he was active in the Drama Program, Swim Team, yearbook, and student government. In 2012, Bryce along with his family and the President of Wolfson's children hospital journeyed to Washington D.C. to advocate for children affected with life altering diseases that have very high medical expenses. Unfortunately, Bryce was unable to be with us on scholarship night but he provided a brief video message. We wish Bryce all the best this year as he continues his education at Emerson College.



NEW MEMBER SPOTLIGHT

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Northeast Florida Marlin Association 3030 Harbor Drive, St. Augustine August 21, 2021

Cast-off: 7:00 – 8:00 a.m. Back to Dock: 3:30 p.m. B.Y.O.B. (Bring Your Own Boat)

Cost per Angler: \$125 Includes Meal & Beverages (after Weigh-in) *Each Angler will also receive a Commemorative T-shirt & Door Prize Entry ticket at weigh-in

Kid's 13 & under fish for free with an adult registration

<u>PRIZE STRUCTURE:</u> First, Second and third place prizes v following categories: Kingfish, spotted sea trout, redfish, t for the redfish with the most spots on one side, a prize for kid's prize (13 & under) for the heaviest legal fish.	flounder and all other species. There will also be a prize
SPONSORSHIP IS A VERY IMPORTANT PART OF THE TOURN in being a TOURNAMENT SPONSOR, please check off one of t	
\$125 Single Angler with Meal/Drink Complimentary \$30 Spectator with Meal and Beverages only ~TOURNAMENT SPONSOR LEV	
\$350 TWO (2) Anglers with Meal/Drink & Company \$650 FOUR (4) Anglers with Meals/Drinks & Company ~TOURNAMENT SPONSOR	ny Logo on T-Shirt, and Complimentary T-shirts.*
<pre>\$500 Dinner Sponsor (limited to four spots)\$300 Registration Sponsor (Limited to one spot)</pre>	\$300 Door Prize Sponsor \$300 Kid's Prize Sponsor (limited to one spot)
(See Sponsorship form for details as to w Company Name: Your Phone:	vhat is included with your sponsorship) Name:
Reservations for Fishing Tournament need to be made by Friday, #1	8/6. List all those who will be fishing or attending: #2
	#4

Send your Entry/Payment to:

NUCANF, PO BOX 16810, JACKSONVILLE, FL 32245 or email to nucanf@gmail.com

2021 NUCANF LIQUOR 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. Drawing will be held on August 21st at the Fishing Tournament. You do not need to be present to win.

LIQUOR RAFFLE INCLUDES:

S	200 Total Wine Gift	Card
the second s	erve Double Oaked I	
		and the standard file with the state
	s Handmade Vodka	
Ba	arcardi Gold Rum(1.)	75 L)
Basil Hayden's Ken	tucky Straight Bour	bon Whiskey (750 ml)
Johnnie V	Valker Red Label Sco	otch (1.75 L)
Fireba	II Cinnamon Whiskey	v (1.75 L)
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Casamigos	s Reposado Tequila	(750 ml)
	VALUE. 6500.00	
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(The master card) or the an		
Name on card:		

2021 NUCANF FISHING 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. Drawing will be held on August 21st at the Fishing Tournament. You do not need to be present to win.

	Prizes	51	
Gili Inf	latable Stand-up	Paddle Board	
Don	ated by Nimnicht	Chevrolet	
	Value: \$525	5	
30" dia	meter custom Bo	bcat Fire-Pit	
	With Grill Top & S	Stoker	
Donat	ed by Bobcat of .		
	Value: \$37	5	
	Grizzly 60 quart of		
3	Donated by MWI		
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SAVE THE DATE September 23-24

PRESIDENT'S

PGA Resort, Palm Beach Gardens, Florida

Registration Details Soon at

NUCA Advantage Is Now More Than Just Great Healthcare Options

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To find out more or to set up your NUCA member account, visit NUCAAdvantage.com.

Please contact NUCA's Meredith Leutbecker for more information about your many new NUCA Advantage benefits.

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New No-Cost NUCA Advantage Benefits

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- HR Consultation Hotline
- HR Reporting & Compliance Apps
- Paperless Benefits Administration App
- HR Content Library
- Required Employee Notices

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Contact Us:

Wayne Faison NUCA Advantage Member Representative



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Service

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Florida Pumping Solutions prioritizes customer satisfaction through industry leading knowledge, reliable equipment and customer service.

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John Woody, Inc., a Jacksonville based company concentrating on water, sewer, and reclaimed systems, was founded in 1979 by Weldon Woodall.

The company is a licensed Underground Utility and Excavation Contractor specializing in private, government and municipal work. JWI has complete projects throughout Florida and the Southeastern United States.

JWI is a family owned business and it is the family bond and willingness to do whatever it takes to get the job done that has made this company successful. Owner, Mike Woodall states, "I am the most blessed and luckiest person in the world. I have the greatest employees whose knowledge and expertise are unsurpassed in the industry. I, also, have the privilege of working with my lovely wife, Flo, my son, Jon and son-inlaw, Mike Kivlin."

John Woody, Inc. has always taken great pride in its reputation of performing quality work at a fair price.

JWI is proud to be long time member of NUCA, NUCA of Florida and NUCA of North Florida.