

THE FLOW

Upcoming Events



Feb. 25th to 27th

**21st ANNUAL ANDREW SCOTT
JOHNSON MEMORIAL
SCHOLARSHIP FOUNDATION
BASS TOURNAMENT**

**LAKE OKEECHOBEE
See Flyer on Page 15**

FEBRUARY 2021

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2021 OFFICERS & BOARD OF DIRECTORS

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PRESIDENT'S MESSAGE

Hello Members,

Here we are! The first month of 2021 is behind us. We thought nothing could be crazier than 2020. Wrong. Hopefully, we can all get back to some sort of normal soon.

This past year our industry was presented with a group of issues we never would have dreamed of seeing. With perseverance and endurance, we shall continue and come through this stronger than ever. Who would have thought that the word “essential” would be so import to us? This industry is extremely important to me and our organization. Our goal is to grow not just as companies but as individuals. As always, I am pushing to educate the “Next Man Up”. I need your help. Help with idea’s and or the willingness to teach. If you have an idea, need or issue please let me know and I will get to work on it.

Do not forget to get signed up for our Golf Tournament on April 13th. This is always a great event at the St. Johns Golf and Country Club and the event is filling up fast!

Stay Safe and God Bless,

Marty

Marty Adams

madams@tblandmark.com

By endurance we conquer.
--Shackleton

2021 NUCA of North Florida

Monthly Sponsors

Diamond Sponsor

United Rentals
Trench Safety

Fortiline Waterworks

Platinum Sponsors

Beard Equipment Company

Gold Sponsor

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Silver Sponsor

ECS Florida, LLC
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John Woody, Inc.
Lippes & Bryan
Petticoat-Schmitt Civil
Contractors
Ring Power Corporation

CALENDAR OF EVENTS

Feb. 4th to 6th

**NUCA Convention
Naples Grande Beach Resort**

Feb. 16th

**Executive Committee Meeting
3:30 pm**

Feb. 25th to 27th

**NUCA of Florida/ASJMSF
Bass Fishing Tournament
Lake Okeechobee**

March 9th

**Executive Committee Meeting
3:30 pm**

March 22nd

**Virtual Tallahassee Legislative
Days**

April 13th

**Annual Golf Tournament
St. Johns Golf & Country Club**

*Happy
Valentine's
Day*

The Law and Your Business

The Law and Your Business— *Public Bidding and the “Cone of Silence”* ***Christian Lake, Esq., Lindell Farson & Zebouni***

A recent case was decided by a Florida Court dealing with a violation of the “cone of silence” as it pertains to bid protests. The Agency for Health Care Administration’s (“AHCA”) procurement process sought vendors to provide AHCA-administered Medicaid plans in Florida. The bidding process was a two-step process with the first step being open bidding for all providers who wished to submit a bid within a particular region. From there, the AHCA would rank the bids based on its own scoring system and extend an “invitation to negotiate” to the top two bids within each region. AHCA would then ultimately select the provider with the best negotiated offer. *AHF MCO of Fla., Inc. v. Agency for Health Care Administration*.

AF MCO of Florida, Inc. (“MCO”) submitted bids to administer AHCA Medicaid plans within two of the regions opened for bidding by AHCA. Prior to submitting those bids, MCO had been administering other medical plans for AHCA within those two regions. Despite that, AHCA did not extend an invitation to negotiate to MCO for the administration of AHCA’s Medicaid plans. MCO immediately began protesting this decision in the following ways: 1) MCO organized demonstrations to picket AHCA’s offices; 2) MCO reached out to nonprofit groups to write letters of concern about the bidding process to the governor; and 3) MCO ran ads in newspapers challenging the bidding process as run by AHCA.

After taking those actions, MCO also sought to set aside the procurement process via an administrative complaint and argued that AHCA’s scoring process for the bids was flawed. The Court held that MCO could not bring any claim against the bidding/procurement process due to MCO’s failure to abide by the “cone of silence” that exists in Florida for governmental bidding procedures. The “cone of silence” requires that contractors placing bids, or anyone acting on their behalf, have no contact with either the executive branch of the state government or the legislative branch of the state government from the time the solicitation for bids is opened until 72 hours after the agency posts its notice of intended award. The only exception is that a contractor can contact the procurement officer for that bidding, in writing, with any complaints or inquiries. If the cone of silence is ignored or violated, the violating contractor is removed permanently from that particular bidding process.

Here, MCO’s solicitation of contact with the governor’s office, taking out ads for all to see, including governmental officials, and picketing outside of AHCA buildings (which are administrative agency buildings) all were violations of the cone of silence by MCO. As such, MCO was treated as a non-bidder with no ability to challenge the bidding process because there was no chance MCO would be awarded a contract after violating the cone of silence.

In this case, even if AHCA had rejected all bids, MCO would have been precluded from submitting any bid upon re-bid. If you find yourself in a situation where you believe you have been unfairly excluded from a procurement, or if you have any other questions about public procurement issues or application of the “cone of silence,” please contact the law offices of Lindell Farson & Zebouni, P.A.

HIGHLIGHTS OF INSTALLATION OF OFFICERS & ANNUAL MEETING

We had a terrific turnout for our event at Maggiano's on January 21st with about 40 people attending. After a half hour meet & greet, our formal programs started. Rep. Clay Yarborough was our guest speaker and he talked about the upcoming legislative session and issues affecting the state of Florida. Due to the impact of COVID 19 on the state's economy, the state budget will be a big issue this year.

Lauren Atwell, Petticoat-Schmitt Civil Contractors gave a NUCA national update including some highlights of NUCA's 2020 accomplishments and plans for 2021. Lauren will be installed as the Chairman of NUCA national in just a few weeks at the NUCA national convention in Naples. There is still time to register.

Outgoing President Chad Cockrell, A.J. Johns, Inc. thanked our 2020 sponsors and they were presented with a plaque or plates to be added to their existing plaques. We appreciate Diamond Sponsors: United Rentals Trench Safety, Fortiline Waterworks, Platinum Sponsor: Beard Equipment Company, Gold Sponsor: Standard Precast, Silver Sponsor: Ring Power Corp. and Bronze Sponsors: A.J. Johns, Inc., Alta Construction Equipment, ECS Florida LLC, Gate Fuel Service, John Woody, Inc., Lippes & Bryan, and Petticoat-Schmitt Civil Contractors. Our 2020 Committee chairs were recognized and presented with certificates: Clay Shoot, Marty Adams, Fishing Tournament, Ashton Milam, Golf Tournament, Jon Woodall, Legislative, Tony Zebouni/Mike Kivlin, Scholarship, Mike Gruber and Safety Director's, Jeff Blomgren.

Chad announced the Outstanding Individual contributor award would go to Drew Lane, Advanced Drainage Systems. Drew was responsible for the redesign of our fishing logo for our hats and t-shirts this past year. He was also instrumental on the fishing committee. Drew serves on the Board of Directors. The President's Award was presented to Marty Adams, TB Landmark. Marty has served on the Board of Directors and Executive Committee for many years. He has also been chair of the Clay committee and a Past President of NUCA of North Florida. Marty is always bringing issues to our attention whether it be JEA, City of Jacksonville, a specification, or a training issue. He is always striving to make our association better. When we had a last minute change to our Executive Committee, Marty was the first person to step up and offer to serve again as President.

Marty presented Chad with a gavel plaque recognizing his service of 18 months as President of NUCA of North Florida. Marty then gave some remarks about the state of our association, including some updates on legislative accomplishments from NUCA of Florida and plans for 2021.

See photos on page 6.

OFFICER INSTALLATION PHOTOS



Board of Directors meeting held prior to the Installation



Fortiline Waterworks received a plaque recognizing their 2020 monthly sponsors.



Bryan Hanock, Rob Pinkston and Tim Gaddis at Maggiano's.



Rick Parker, Forterra Pipe & Precast & Cheryl Parker, Acme Barricades



Members getting caught up during the social hour.



Rep. Clay Yarborough, guest speaker



Marty Adams received the President's Award from Chad Cockrell



Lauren Atwell, Petticoat-Schmitt, provided a NUCA National Update.



New Congress Opens: House Priorities Are Infrastructure

The new 117th Congress opened for business on Jan. 3, with the re-elections of House Speaker Nancy Pelosi (D-CA) and Senate Majority Leader Mitch McConnell (R-KY). NUCA's legislative outreach to lawmakers in the last few weeks emphasized the industry's optimism that the long-awaited infrastructure bills sought by the U.S. economy will have top priority in the House during the first half of 2021. We will keep you informed on the latest Congressional action via this newsletter, our NUCA social media accounts, and our Muster advocacy alerts.

NUCA's Perspective On Biden Admin. Infrastructure Policies

NUCA sent a letter on January 4th to the Biden transition team offering our industry's perspective on the many issues and policies related to underground utility construction. These issues begin with financing programs for water and wastewater infrastructure improvement, including increasing funds for the Drinking Water State Revolving Funds (SRF) and Clean Water SRF. NUCA is also seeking changes to federal laws that invite more private investment such as tax-exempt facility bonds, known as "private activity bonds." NUCA also addressed job creation, essential workers receiving COVID-19 vaccines, natural gas systems, damage prevention, and fiber optic/broadband infrastructure requirements. Our government affairs team will begin working with the new USDOT officials as soon as they take office later this month. [Read NUCA's entire letter here.](#)

U.S. Chamber Opens "Build By the Fourth of July" Campaign

The U.S. Chamber of Commerce greeted Congress with its new infrastructure advocacy campaign. "Investing in America's infrastructure is critical to our economic recovery, prosperity, and quality of life. The longer our elected leaders wait to pass legislation, the more our roads, highways and bridges will deteriorate," opened its website. NUCA is a Chamber member and agrees that the new 117th Congress needs to move this critical national issue to the top of its to-do list. [Read more here.](#)

NUCA WINS: A Best Practice in Your Reporting

NUCA's Workplace Incident Notification System (NUCA WINS) is a damage 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](#).

NUCA Unveils a Snapshot of Our 2020 Accomplishments

It's been a challenging year, to say the least. NUCA's work over the past 12 months on behalf of the membership showed value, especially our lobbying to keep our "essential industry" working at the height of the pandemic in spring 2020. At the end of the year, we wanted to look back at what we accomplished for you, our valuable NUCA members. [Read the document here.](#)

Trench Safety Stand Down: June 14-18, 2021

NUCA leadership released the dates for the next TSSD, schedule for June 14-18, 2021. NUCA's member-wide safety stand down presents the opportunity for employers to talk directly to employees and others about safety around excavations and protecting employees from trenching hazards. This will be NUCA's eighth TSSD event (and our second June Trench Safety Month), so please mark those dates on your 2021 training calendars and plan to participate.

SAFETY NEWS

By Jeff Blomgren
Safety Director at Petticoat-Schmitt Civil Contractors

Imagination as a Safety Tool

Albert Einstein said, “Imagination is more important than knowledge.” Disney imagined things and built things in his head before they were ever built with brick and mortar, wood and steel. Jack Nicklaus played every golf course in his head before ever going out on the course. He not only played it in his mind once, he played it in every condition, wind, rain, cold, etc. What has this got to do with safety? Do you think that imagination wasn’t used to determine the possible hazards to the millions of visitors to Disney theme parks? If no one had imagined the “what ifs” of the safety of those patrons on those many exciting rides, how much greater would the risks be? Jack Nicklaus was a little different. His focus was on his skill as a golfer and improving his game. Also, his hazards were a bit different. You golfers can imagine what those hazards might be.

We face “what if” situations every day. “What if” that driver on their cell phone comes in to my lane? “What if” I cut myself using that brand new saw I just bought? “What if” I use that chair to stand on instead of going all the way out to the garage for a ladder? We imagine all our lives. Children are great at imagination because so much of their lives are filled with new things. As we grow we imagine who we will be or what our children will become or where we will end up in our lives. We need to focus all that energy and imagination to our jobs too. So now we get to Einstein’s quote, “Imagination is more important than knowledge.” What does that mean? We may have done the same job over and over and we may have lost the ability to imagine what could happen if something goes wrong. If we apply imagination to our jobs, no matter how often, or how well we have been doing that job, and approach each day with imagination, we can eliminate many of the hazards we might face while doing what we know best to do. Just stop and imagine. “What if” and we will get better and better at everything we do.



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 13th, 2021
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, 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 5th, \$700 per team.**

Please fill out the entry below & mail (OR FAX) with payment to NUCANF by Friday, March 19th.

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

2021 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.

_____ **\$800 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: _____

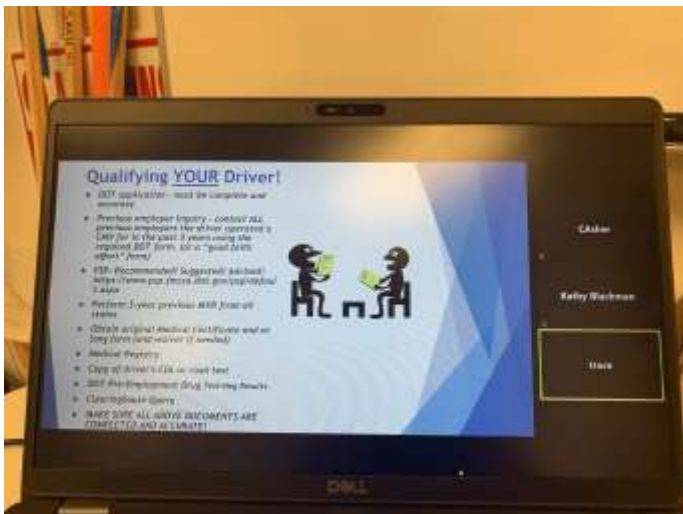
Return with payment to: NUCANF, PO Box 16810, Jacksonville, FL 32245

LUNCH & LEARN DOT 101 TRAINING CLASS

We were pleased to offer a DOT 101 training class on January 19th at A.J. Johns, Inc. in their training centers as part of our Lunch & Learn series. The class was conducted by Tracey McQuilken who is a DOT/FMCSA consultant assisting companies with DOT compliance, Safety Management Programs, and representation during audits/investigations. The two hour class covered what your company may be required to comply with such as Driver Qualification Program, DOT Drug & Alcohol Program, Vehicle maintenance and Time records. Class size was kept small to allow for social distancing. Lunch was provided.

An option of using Zoom to view the presentation was also made available and we did have one person join using this technology.

If you are interested in having Tracey come and work with you company, you can reach her at tracey@iondat.com. She can come in and help your company make sure that all your paperwork is complete. One of our members who used her services said that they saved over \$50,000 of potential fines by having Tracey show them how to keep more accurate driver records. Tracey also offers software for keeping driver and vehicle files on line.



SAFETY DIRECTOR'S FORUM KICKS OFF 2021

The Safety Director's Forum was our first official meeting of 2021. We were hosted by the Northeast Florida Safety Council at their office. Our guest speaker was NUCA director of Safety & Education, Carl Vasquez. Carl joined us via zoom and spoke on definitive risk management tools to mitigate, eliminate, or reduce risk exposures in construction and the costs associated with these issues. Brad Martin, Sunshine 811 also joined via zoom to take questions from attendees and provide information on 811. Several safety director's also attended via zoom and we had members physically present as well.

The next Safety Director's Forum will be held on April 6th at Northeast Florida Safety Council. Tentative topic for the next meeting is how to hire smart.



NEW MEMBER

Please join us in welcoming Vermeer Southeast as the newest member of NUCA of North Florida.

Vermeer Southeast
Primary Contact: Patrick McCollum, Regional Manager
11550 Philips Highway
Jacksonville, FL 32256
Phone: 904 262 4400
Email: patrickmccollum@vermeersoutheast.com



BOARD MEMBER SPOTLIGHT—VALINDA KRYNICKI

Tell us about the services your company provides.

United Rentals offers the largest fleet of shoring and underground excavation rental equipment in North America. In addition to providing trench supplies and trench safety solutions, United Rentals is a leader in safety training and certification.

What is your business philosophy?

I try to create long-term relationships with a fair and consistent approach. I believe a positive attitude and effective communication are the foundation to success.

What are your hobbies or interests outside of work?

I love weekend get-a-ways! I enjoy reading blogs and reviews on different locations and then traveling to new areas. I also like concerts and festivals and look forward to supporting them when they return.

What is your favorite travel location?

I am on a mission to find my favorite spot. I have not spent much time in the west coast and I would like to see the redwood forests.

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

Dolly Parton. When I was a kid, I loved to watch her movies and listen to her music. As an adult, I admire her contributions to the world. She once said "**Find out who you are and do it on purpose.**"

What are you currently reading?

Florida Paddle Notes Waterways by James Steele

Grill master or reservations?

Reservations.





21ST ANNUAL ANDREW SCOTT JOHNSON MEMORIAL SCHOLARSHIP FOUNDATION BASS TOURNAMENT

TIME & LOCATION:

FEB. 25-27, 2021

C. SCOTT
DRIVER PARK IN
OKEECHOBEE
CITY ON LAKE
OKEECHOBEE

HOTEL RESERVATIONS:

Hotel reservations may be secured
at NUCA FL discounted rate at
Wyndham by Lake Okeechobee by
calling 863-623-4704.

REGISTER NOW



NEW MEMBER SPOTLIGHT



ALL YOU
NEED TO
GET THE
JOB DONE.



With a full line of high-quality utility and pipeline construction equipment and **parts, service, and training support** to match, you can count on Vermeer Southeast to deliver the products you need to get the job done.



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Formed in 2001, Lippes & Bryan, P.A. is a law firm dedicated to efficient and practical resolution of construction, business, and real estate disputes and general legal counseling for our clients. We are committed to furnishing quality legal representation in our law practice by achieving cost-effective and desirable legal solutions for our construction industry clients, including site and underground utility contractors.

We focus our law practice in the following areas:

- construction law and litigation
- business law and litigation
- real estate litigation

Our firm goals are to create and achieve practical and cost-effective resolutions of our client's legal disputes and concerns. We use our legal and construction industry knowledge, creativity, effective negotiation, and aggressive litigation where appropriate to achieve our clients' goals.

Lippes & Bryan, P.A. and its attorneys will assist you from the beginning of the attorney-client relationship with a thorough review and analysis of your disputes and concerns and possible solutions to them, which can help avoid unnecessary, protracted, and/or costly litigation. Our approach assists our clients in achieving pro-active resolution of their business problems, whether through advice, consultation, and planning, or through negotiation, mediation, arbitration, or litigation. We help guide our clients to legal solutions, whether that involves filing and prosecuting, defending, resolving, or avoiding lawsuits.

At Lippes & Bryan, P.A., you will get quality and personalized representation from its construction industry knowledgeable attorneys, Mark C. Bryan and Harold S. Lippes, who are ready, willing, and able to assist you in meeting the challenges presented to your construction business.

Please inquire about our one hour Florida construction lien and payment bond seminars for your staff, provided at no cost to NUCA members, by calling us at (904) 686-1500.