THEFLOW

Upcoming Events

July 14th Board of Directors Meeting

July 14th
Scholarship Night
Aloft, Tapestry Park

August 10th
Executive Committee

August 21st
Fishing Tournament
NEFMA
St. Augustine
Forms on pages 9 & 10



JULY 2021

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PRESIDENT'S MESSAGE

Hello Members,

The dog days of summer are here. Whether you are working, fishing, golfing, or just out enjoying the Florida sunshine remember to stay hydrated. H2O makes our business go round.

Speaking of H20, Senate Bill 64 is currently on the Governor's desk waiting for a signature. He is expected to sign this bill. This bill will eliminate the surface discharge of reuse water. Every utility in Florida would be required to have this in place by January 1st of 2032. This equates to more work for our industry. Treatment plants will need to be modified and there will be more purple pipe run throughout neighborhoods. The future of our work looks bright.

We recently held a "Next Man Up" class on June 10th. This was a line and grade class. It went well and we received good feedback on the information we presented. We are currently looking at doing a Lien Law 'Lunch and Learn' in August. Once we get the details worked out for this class Kathy will send out an email on how to sign up.

We had a successful Trench Safety Stand Down program this month. Thank you to all that participated. Our industry goal is to work hard and send everyone home safely every day. No days off for safety.

Lastly, remember to sign up for the Annual Fishing Tournament in August. Spots are still available for sponsorships as well.

Stay Safe and God Bless,

Marty

Marty Adams

madams@tblandmark.com

Everything will change. Nothing will stay the same. Be ready!!

Unknown

2021 NUCA of North Florida

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United Rentals Trench Safety

Fortiline Waterworks

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Alta Equipment Company Forterra Pipe & Precast

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Petticoat-Schmitt Civil
Contractors
Ring Power Corporation

CALENDAR OF EVENTS

August 10th Executive Committee Meeting

August 21st Fishing Tournament

September 14th
Safety Director's Forum
Executive Committee Meeting

September 16th
Board of Directors &
General Membership Meeting

September 23rd NUCA of Florida Board Meeting

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

November 2nd Sporting Clay Challenge

The Law and Your Business

The Law and Your Business - Understanding Demands for Assurances Christian Lake, Esq., Lindell Farson & Zebouni

Demanding assurances during the course of work performed pursuant to a contract is nothing new under the law. However, a clear understanding of when demanding assurances is permitted is crucial to ensure that you do not unintentionally breach your contract and open your business up to legal liability as a result.

Recently, in 24 Hr Air Serv. V. Hosanna Cmty. Baptist Church, a Florida Court decided a case involving a contractor working on smoke detectors and an HVAC system for a church. Near the beginning of the contractor's work, the church's ceiling nearly caved in while the contractor's workers were present. After the church told the contractor that it had repaired the ceiling, the contractor demanded additional proof of the ceiling repairs and refused to return to work until such proof was provided due to safety concerns. The church did not provide any proof of said repairs and instead sued the contractor and sought damages incurred by the church in retaining another contractor to complete the contemplated HVAC and smoke detector repairs.

The court ruled in favor of the church and held that the contract between the contractor and the church did not allow the contractor to seek assurances and refuse to conduct any further work until those assurances were provided. While to contractor argued that it had remained ready to complete its work under the contract and that it had never abandoned the job, the Court held that the act of conditioning its continued work on an assurance that is not specifically addressed in the contract was a breach of contract by the contractor that immediately entitled the church to relief. Thus, even though the contractor appeared to have demanded proof of the ceiling repair in order to ensure the safety of its employees, the court still held that the demand and refusal to return to work was a breach of contract by the contractor and the church was awarded damages as a result.

Applying this case to your business, it is important to review your contracts carefully before demanding that the other party to the contract provide you any assurances. Plenty of contracts specifically allow the parties to seek assurances on things such as the ability to make payments or the willingness of either party to fully perform its obligations under the contract. If a contract has such a clause, a demand for the assurance addressed in the contract is perfectly acceptable. In fact, the refusal of the other party to provide that assurance in that instance would likely constitute a breach of contract by that party.

However, if your contract does not address demanding assurances or if the contract does not address the type of assurance you believe you need before continuing to perform your obligations under the contract, making a demand for an assurance could serve as a breach of contract that could open your business up to legal liability.

BACK TO THE JUMBO SHRIMP

We sold over 280 tickets for our Night at the Jacksonville Jumbo Shrimp. We hosted a dinner buffet at Intuition catered by Grill Billy's before we headed to the game.

We had a beautiful night but unfortunately the Jumbo Shrimp lost to the Durham Bulls with a score of 1 to 9.



JUMBO SHRIMP PHOTOS





A Win: House Committee Passes NUCA-Supported Water Infrastructure Bill

Recognizing that repairing water infrastructure requires resources, a key House committee passed on June 9th NUCA-priority legislation on a 42-25 vote. The House Transportation & Infrastructure Committee is voting on its \$547 billion five-year version of the surface transportation bill this week, along with the NUCA-supported Water Quality Protection and Job Creation Act (H.R. 1915). This water infrastructure bill will provide \$40 billion in funding to the Clean Water SRF, doubling what was provided for in the last authorization bill. Both bills were top issues pushed for by NUCA members during the May 26th Washington Summit. H.R. 1915 now goes to the full House for a vote, but could wind up being wrapped into a larger infrastructure bill. Read more about the House markup here.

Senate Committee Passes Important Surface Transportation Bill

As if on cue for NUCA's Summit, the Senate's Environment and Public Works Committee passed on a unanimous vote May 26 the five-year, \$303.5 billion surface transportation legislation, increasing previous authorization levels by about 34%. This NUCA-supported bill, titled "Surface Transportation Reauthorization Act of 2021," now heads to the full Senate for a vote. This bill may become part of the larger infrastructure package promised by Democratic leadership. It is good news that this bill is moving with bipartisan support, as it must be signed into law by Sept. 30, 2021. NUCA will keep members informed as to its progress through Congress this summer. Read more here.

NUCA's 2021 Washington Summit a Resounding Success!

NUCA's May 26th Washington Summit hit the message home for 95 lawmaker's offices: Our infrastructure is America's foundation for economic success. Through the hard work of our Chapters, NUCA's virtual advocacy event attendees took to their computers to urge their House lawmakers to pass the landmark S. 914 bill delivering \$40 billion in funding to the two drinking water State Revolving Funds. Our attendees also urged lawmakers to increase broadband infrastructure funding and pass legislation by Sept. 30 to reauthorize the nation's surface transportation law. NUCA kindly thanks Summit attendees for their time to make a huge difference in our advocacy program. You can watch the Summit's opening session and remarks by top House Committee chairmen at www.WeDigAmerica.

Save the Date: Fall Washington Summit, November 1-3, 2021

NUCA leadership recognizes the significant importance of this year in Congress for infrastructure funding topics, especially for certain bills we've been advocating for over the last 20 years. Please mark your calendar for November 1-3 to be part of NUCA's first in-person visits to your lawmakers' offices on Capitol Hill in Washington, D.C.

The momentum we've built in Congress for water, wastewater, and broadband issues will only grow over the summer--and we need you to help seal the deal. Held in conjunction with the NUCA fall Board of Directors meeting and Chapter Development Conference, the fall 2021 Washington Summit promises to be one of the most exciting ones held in many years. We will release more details about the event in the following weeks, including hotel location and registration fees.

Arizona Utility Contractors Association Rejoins NUCA

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 here.

Expanded NUCA Advantage Member Benefits Program Introduced

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 www.NUCAAdvantage.com, 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 April 2021 NUCA Advantage webinar, which is available at NUCA.com.

SAFETY NEWS

By Jeff Blomgren Safety Director at Petticoat-Schmitt Civil Contractors

Independence Day AKA July 4th Achieving Health and Happiness

The historical significance of Independence Day cannot be rewritten. The freedom of the colonies from British rule was no small task and the lives spent in gaining that independence can't be ignored. Today we celebrate this National holiday with all the exuberance it deserves. Boating, picnics, bands, parades, fireworks and families making their finest dishes for consumption by hungry celebrants. In fact, summer is the time for vacations, travel, beaches and pools. Hiking, trail riding, outdoor sports like baseball, surfing, fishing, volleyball and soccer fill our summers with activities that help us to enjoy the country that was founded 245 years ago. So what's the safety message here? The message is, play and celebration contain inherent hazards that we need to be aware of.

17 children drown in swimming pools each year in the U.S. on the 4th of July. On the 4th of July there are 2,473 highway deaths that occur each year in the U.S. There are 7,100 fireworks related injuries each year on the 4th of July. Boating accidents have been on the increase each year. There were 1007 boating accidents and 119 deaths on the 4th of July making the 4th of July the most dangerous boating month of the year. One in six people will suffer some source of food poisoning during the summer and the 4th of July tops the list. Heat related issues are a distinct reality during the summer months. Heat related deaths occur each year during the summer months. So what do we do? Stay inside and hide from all the fun things that bring us joy? Absolutely not!

With careful planning and following the guidelines of safety for each of the things listed above, and the other things that we enjoy, can help us to have an accident and incident free summer. Watch the kids around water. Don't drink and drive whether it's a boat or a vehicle. Wear a life jacket. 80% of drownings occur when a life jacket was not worn. Fireworks are dangerous. Leave it to the professionals. Heat related incidents can be reduced by learning how to deal with heat related issues. The USDA has some great hints for preparing food for summer meals. Following these simple steps will help ensure a safe and happy summer for all of us. Relax, have fun, enjoy the time off we all work so hard for, but, do it safely.





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

PRIZE STRUCTURE: First, Second and third place prizes will be awarded for the heaviest legal fish in each of the following categories: Kingfish, spotted sea trout, redfish, flounder and all other species. There will also be a prize for the redfish with the most spots on one side, a prize for the woman weighing in the heaviest legal fish and a kid's prize (13 & under) for the heaviest legal fish.

SPONSORSHIP IS A VERY IMPORTANT PART OF THE TOURNAMENT'S SUCCESS! If you are interested in being a TOURNAMENT SPONSOR, please check off one of the levels of participation. \$125 Single Angler with Meal/Drink Complimentary T-shirts . \$ 30 Spectator with Meal and Beverages only ~TOURNAMENT SPONSOR LEVELS INCLUDING ANGLERS~ \$350 TWO (2) Anglers with Meal/Drink & Company Logo on T-shirt, Complimentary T-shirts.* \$650 FOUR (4) Anglers with Meals/Drinks & Company Logo on T-Shirt, and Complimentary T-shirts.* ~TOURNAMENT SPONSOR LEVELS NO ANGLERS~ \$500 Dinner Sponsor (limited to four spots) ___\$500 Dinner Sponsor (limited to four spots) _____\$300 Door Prize Sponsor ____\$300 Registration Sponsor (Limited to one spot) _____\$300 Trophy Sponsor (Limit one) \$300 Door Prize Sponsor \$300 Kid's Prize Sponsor (limited to one spot) (See Sponsorship form for details as to what is included with your sponsorship) Company Name: Your Name: Phone: __ Reservations for Fishing Tournament need to be made by Friday, 8/6. List all those who will be fishing or attending:

Send your Entry/Payment to:

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





2021 NUCANF Fishing Tournament Sponsorship Opportunities

	taffle Sponsor (Limit one) pany name will be prominently displa	und on a rige at the except your	r company logo will appear o	n the T chiet and you will be
acknowled	dged at the awards dinner that evenin ciation publication, <u>The Ditchmen</u> . A	g and your company will be re-	cognized in the NUCANF new	sletter, The Flow, and the
- ald 500 G	and Prize Sponsor (limited to	one snot)		
Your com acknowled state asso	pany name will be prominently displa- dged at the awards dinner that evenin ciation publication, <u>The Ditchmen</u> . A er. You may also have a vendor displa	yed on a sign at the event; you g and your company will be re- complimentary 1/2 page ad wil	cognized in the NUCANF new	sletter, The Flow, and the
\$500 Din	ner Sponsor (limited to four sp	pots)	\$500 Weigh-in Sponsor	(limited to one spot)
	efits as grand prize sponsor.		nefits as door prize sponsor.	,
\$300 Do	or Prize Sponsor			
acknowled	pany name will be prominently display dged at the awards dinner that evenin ciation publication, The Ditchmen. A er.	g and your company will be re	cognized in the NUCANF new	sletter, The Flow, and the
\$300 Re	gistration Sponsor (Limited to	one spot)	\$300 Trophy Sponsor (L	imit one)
Same benefits as door prize sponsor. Same benefits as door prize sponsor				
	's Prize Sponsor (limited to one lefits as door prize sponsor	e spot)		
Company Na	me:	Your Name:		
Payment:	Check (NUCANF)	Bill my account	Charge cre	edit card*
Visa/MC/AX:		Exp Date:	V-Code: _	
	Billing Zip Co	ode		
The V-Code is	the last three digits in the sig	nature strip on the back	of the credit card (Vis	a/Mastercard) or the
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*A 5% processing fee will be added to all credit card charges.

Name on card:

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

The Construction Insurance Market - Cyber Coverage

By Lyle Hoffman

Commercial Insurance Broker, Insurance Office of America

FAQ: It's Time to Start Thinking of Cyber Coverage

Cyber crime is the fastest growing crime in the world. Every 40 seconds, a United States business loses access to their files because of ransomware. Globally, ransomware attacks are estimated to cost 6 Trillion in 2021. Below are some common questions and points in relation to the most common form of cyber crime: Ransomware.

What exactly is Ransomware?

Ransomware is a type of malware (malicious software) that denies users and system
administrators access to files or entire networks. Once the malware infects systems, threat
actors will send a ransom note typically demanding payment in Bitcoin.

Who is being attacked?

- 43% of cyber attacks target small businesses. The top industries in North America are below (2019 stats):
 - Government 15.4%
 - Manufacturing 13.9%
 - Construction 13.2%
 - 4. Utilities 11.1%

What is the average cost of a ransomware attack?

- The average extortion demand has risen from \$5,000 in 2018 to over \$100,000 in 2020.
- The cost of business interruption experience because of an attack is generally much higher than the extortion demand. It is tough to estimate a cost as different businesses vary in size and function but the average in 2020 was \$283,000.
- Incident response costs are generally much lower, but keep in mind forensic experts and data breach attorneys generally charge between \$350-\$500 and hour.

My current insurance package includes cyber liability. I should be good right?

 Short answer: Probably not. While many general liability packages include some sort of cyber coverage, not all cyber policies are created equal. The "add on" policies generally lack the coverage types and limits that would be necessary in the event of an attack.

What does a cyber policy cover and what is the premium?

- A good cyber policy would cover the extortion costs, business interruption, incident costs, system damage costs, 3rd party liability (lose someone else's info/money), and various defense costs.
- Example Premium: A 10m in revenue per year utility contractor paid \$3,000,000 for \$1,000,000 of coverage per year.

Final thoughts: With cyber crimes continuing to climb and the affordability of good cyber coverage in the marketplace, obtaining cyber coverage should truly be a no brainer.

Citations

- Purplesec.us "2021 Ransomware Statistics, Data, & Trends"
- Evolve MGA "Ransomware & Funds Transfer Fraud"

TRENCH SAFETY STAND DOWN WEEK

I hope your company had the opportunity to take some time last week to observe Trench Safety Stand Down week. Our chapter kicked off the week with our Safety Director's Forum held on June 14th at the Northeast Florida Safety Council. Valinda Krynicki and Lance Damon from United Rentals Trench Safety were on hand to talk about Trench Safety as well as provide some materials to be handed out during TSSD. Brad Martin, Sunshine 811 also provided some giveaways and will be providing neck gators. Our main speaker was Nolan Houser, one of the Assistant Area Directors (AAD's) located in the OSHA Jacksonville Area Office. Thank you to United Rentals Trench Safety for providing lunch for all attendees.

Members on hand shared their plans for TSSD week. Our next Safety Director's Forum will be held on September 14th. You do not need to be a Safety Director to attend.

Please be sure to go to the NUCA website (nuca.com/tssd) to submit your form. NUCA will send hard hat stickers to all who participated.

Our last TSSD reached 32,000 participants from more than 200 organizations across 3,500 jobsites. We hope to increase participation this year. Let's keep our people safe in the trenches!



Nolan Houser, OSHA



Brad Martin, Sunshine 811



Valinda Krynicki United Rentals



TRENCH SAFETY STAND DOWN PHOTOS







NUCA Advantage Is Now More Than Just Great Healthcare Options

Our Expanded NUCA Member Benefits Program Includes A Full Spectrum Of Solutions





NUCA Advantage Now Includes:

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WELLNESS PROGRAMS

Tailor-made Wellness Programs I Biometric Screenings I Health Risk Assessments

BENEFITS COMPLIANCE SOLUTIONS

Online resources to help your company meet your compliance obligations

Taking care of your employees just got easier and more cost-effective with the new and expanded NUCA Advantage benefits program, administered by Faison Group.

From HR compliance to employee communications, and into healthcare plans that provide great coverage for your employees, NUCA Advantage is a full spectrum of employee benefit solutions that give you the flexibility to work with your local insurance agencies and brokerage firms.

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.

Phone: 703.358.9300 | Email: meredith@nuca.com

New No-Cost NUCA Advantage Benefits

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- Paperless Benefits Administration App
- HR Content Library
- Required Employee Notices

NUCAAdvantage.com



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NO Applications

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Direct contracts with vendors offer BIG SAVINGS. We have the plans that fit your business - Open Access RBP, Hybrid RBP, PPO (Aetna, Cigna, United, PHCS), Dual Option, and Morel

Contact Us:

Wayne Faison NUCA Advantage Member Representative



954.701.3276



nuca@nucaadvantage.com



www.nucaadvantage.com

NUCA OF NORTH FLORIDA WELCOMES NEW MEMBERS

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

McVAC Environmental Services, Inc.

Contact: Mike Jones, Business Development

481 Grand Avenue

New Haven, CT 06513

Phone: 402-763-0567

Website: mcvacenv.com

Email: Mjones@mcvacenv.com

Business: Dewatering, Geotechnical Engineering, HAZMAT Clean-up, Pneumatic & Hydro Excavation and Environmental

Clean-up.



Armorock Polymer Concrete Structures

Contact: Jared Johnson

PO Box 60006

Boulder City, NV 89006

Phone: 407-755-7416

Website: armorock.com

Email: jjohnston@armorock.com

Business: Manhole Rehabilitation, Sewer/Water





JULY FEATURED SPONSOR



A. J. Johns, Inc.

3225 ANNISTON ROAD • JACKSONVILLE, FL 32246 - 3696 • 904-641-2055

A.J. Johns, Inc. is a Jacksonville based complete site development contractor. We began in the local industry in April of 1970. In the beginning we only provided utility needs to our clients, but in 1983 we expanded our services to include all scopes of a complete site development contractor to better serve our clients, both public and private.

Our company founder, Mr. AJ Johns is a long-time respected leader in the Jacksonville business community. Our goals and mission at A.J. Johns, Inc. have remained consistent over the past 50 years. We strive to provide a turnkey approach to many types of developments.

A.J. Johns, Inc. has the leadership, trained and dedicated staff who continue to evolve in order to meet the needs of our clients. We strive to create strong and understanding relationships with our clients, engineers, vendors, and subcontractors through communication, teamwork and most importantly, a positive attitude. We have a reputation for delivering quality and cost-effective services and we are fully committed to exceeding the expectations of our clients. Building new relationships and strengthening long term acquaintances is key to both past and future success.

At A.J. Johns, Inc. our employees receive continuous training to keep them abreast of our ever-changing industry. Internal job training and employee development brings an added plus to the efficiency of our organization.

Our industry has faced many ups and downs over the years, but the most important assets to any company is its employees. We continue to invest in the future of our industry by creating new avenues to increase employment in our industry. All of our futures dwell in the minds of the coming generations. We must show them through example that the construction industry provides a pathway to a successful and a fulfilling future. We must invest in the future of our industry by instilling the morals and knowledge of what made us who we are today.