

THE FLOW

Upcoming Events

March 18th

Jeremy Johnston

Clay County Utility Authority
St. John's Golf & Country Club
6:00 pm

March 22nd to 26th

NUCA of Florida
2021 Virtual Legislative Days
Flyer on page 14

April 13th

Golf Tournament
St. Johns Golf & Country Club
Sponsorship Info
On Page 9



MARCH 2021

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PRESIDENT'S MESSAGE

Hello Members,

I would like to thank everyone for their continued support of the association. We are always looking to grow our membership, so this next month I would like for us all to reach out to a business that is not a member and encourage them to join. If you have a name but do not have time to reach out yourself, send them my way and I will contact them.

On February 6th, Lauren Atwell was formally inducted as the NUCA Chairman. It is always great to see someone from our local chapter at this level. Congrats Lauren!

On March 18th, we will have our monthly meeting at St. Johns Golf and Country Club. (No golf. Just holding a meeting at their club house). Jeremy Johnston the Executive Director for Clay County Utility Authority will be our guest speaker. He will speak about changes and what they see in their future.

Our April 13th Golf Tournament is sold out. If you were unable to register, do not worry, we have other events coming your way. We do have a couple of vendor sponsorship spots still available. Please reach out to Kathy if you are interested. We are also working on a May Jumbo Shrimp baseball outing, and we will update everyone as this progresses.

Stay Safe and God Bless,

Marty

Marty Adams
madams@tblandmark.com

The power of our team is each individual member.

--unknown

2021 NUCA of North Florida

Monthly Sponsors

Diamond Sponsor

United Rentals
Trench Safety

Fortiline Waterworks

Platinum Sponsors

Beard Equipment Company

Gold Sponsor

Alta Equipment Company
Forterra Pipe & Precast

Silver Sponsor

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

CALENDAR OF EVENTS

March 9th

Executive Committee Meeting
3:30 pm

March 18th

Board of Directors Meeting
General Meeting

March 22nd

Virtual Tallahassee
Legislative Days

April 6th

Safety Director's Forum
Northeast Florida
Safety Council

April 8th

Executive Committee Meeting
3:30 pm

April 13th

Annual Golf Tournament
St. Johns Golf & Country Club

May TBD

Jacksonville Jumbo Shrimp

The Law and Your Business

The Law and Your Business- Importance of Being Specific in Contracts *Christian Lake, Esq., Lindell Farson & Zebouni*

Recently, a Florida Court decided a case based on a subcontractor's claim that it was owed additional payment for work performed outside of the scope of its subcontract. In that case, the general contractor, F.H. Paschen, S.N. Nielson & Associates ("Paschen") solicited bids for the demolition and re-paving of parking lot owned by the United States Postal Service as part of a larger job. Upon inspection of the parking lot, the subcontractor, B&B Site Development, Inc. ("B&B"), determined that there was an asphalt driveway that would not need to be replaced. B&B then submitted its bid to Paschen based on the demolition and repaving of rest of the parking lot, which was all concrete, and B&B's bid was accepted by Paschen. *Paschen v. B&B Site Dev., Inc.*

B&B commenced its work on the parking lot and neared completion of the removal and replacement of all concrete portions of the parking lot. Once Paschen noticed that the asphalt portion of the parking lot was not being demolished, Paschen brought this to B&B's attention and claimed that B&B was required to replace the entire parking lot, asphalt driveway included. As it turns out, Paschen failed to do a pre-bid site walk and, as a result incorrectly assumed that the scope of the concrete work was the entire parking lot and then used this incorrect assumption in making its bid to the Postal Service for demolition and re-paving of the entire parking lot.

B&B argued that any asphalt-related work was outside the scope of its contract. Paschen then submitted the dispute to the project architect, who stated that the asphalt work was within the scope of B&B's work. B&B's subcontract contained a clause that allowed the architect to make a final decision on the meaning of contract terms if B&B and Paschen disagreed.

Eventually, to avoid continued delays, B&B agreed to do the asphalt work, but stated that it would need additional payment upon completion of that work, as asphalt work was outside the scope of B&B's subcontract. After completing the asphalt work, B&B demanded payment of \$33,000 from Paschen, but Paschen refused. B&B then sued Paschen for the additional payment.

The Court held that B&B's contract clearly stated that B&B would conduct all **concrete** demolition and repaving in the parking lot. The contract went into the specifics of the concrete but did not discuss any asphalt work. As such, the Court held that the contract was clear that asphalt was outside the scope of the contract since B&B's subcontract made no mention of asphalt work. The fact that Paschen submitted a bid to the Postal Service that included asphalt demolition and repaving did not change the clear language of the subcontract with B&B. Also, the clause in B&B's subcontract that allowed the architect to decide the meaning of a contract term in disputes between Paschen and B&B did not apply in situations like this where a contract term was clear.

Ultimately the court ruled in favor of B&B and held that B&B was entitled to additional payment for the asphalt work. If you are unsure of your rights or obligations under your contracts relating to construction projects and wish to avoid any potentially harmful confusion like what happened in the above case, please contact the law offices of Lindell Farson & Zebouni, P.A.

HIGHLIGHTS OF NUCA CONVENTION IN NAPLES

The convention kicked off with the second annual CEO Bobblehead Golf Tournament on Wednesday afternoon. Thursday brought us committee meetings, Board of Directors Meeting and our Convention Kick-off with keynote Speaker Mr. Robert Stevenson. Mr. Stevenson spoke about building a high performance culture, improving efficiency and accelerating growth. He shared ideas for achieving excellence both personally and professionally. A welcome reception was held on Thursday evening poolside.

Profit Pipeline Rountables were the highlight of Friday morning followed by the opening of the exhibit hall for lunch, a Super Bowl Scavenger Hunt on Friday afternoon and a reception in the Exhibit hall.

Saturday kicked off with more committee meetings and sessions on Damage Prevention, Filling the Workforce knowledge gap, Protecting your company liability clauses in contracts and Building relationships provide “Value-Added Engineering”. The Annual meeting and Swearing In Luncheon was held which was followed by a Utility Construction Economic Outlook with speaker Mr. Anirban Basu, a Chief Economist. The last event of the convention was the Gala Dinner and Awards Presentations as well as a live auction sponsored by John Deere.



Members of NUCA of North Florida at the Gala Dinner & Award Presentation

ATWELL INSTALLED AS NUCA CHAIRMAN OF THE BOARD

The National Utility Contractors Association's (NUCA) Board of Directors formally inducted Lauren Atwell as their new Chairman on February 6 at their Annual Meeting held in Naples, Florida.

In his acceptance speech, Chairman Atwell focused on the essential nature of America's utility contractors to national economic growth and the impact of the 2020 pandemic on our members:

“At last year's Convention, none of us had heard of COVID, but less than a month later NUCA's work in Washington convinced the federal government that our industry was essential to the nation's health and economy.”

Chairman Atwell is the chief operating officer at Petticoat-Schmitt Civil Contractors, Inc., located in Jacksonville, Florida. He has been part of the company's executive team for this large Southeast regional construction company since 2014. Petticoat-Schmitt specializes in clearing and grading for underground utility, roadway, and water and wastewater treatment plant construction.

Prior to working for Petticoat-Schmitt, he was senior vice president at Layne Construction in The Woodlands, Texas, starting as vice president of the firm in 2011. He holds a degree in civil and environmental engineering from Clarkson University.

Atwell has been on the executive council of NUCA since 2018, first serving as Secretary. Since 2013, Atwell also holds membership in the state chapter (NUCA of Florida) of the national organization, and continues to serve as a trusted member of the Construction Management Advisory Board for the University of North Florida.

We extend our congratulations to Lauren and best wishes for his term as Chairman.





Infrastructure Now "Top Priority" in Congress

With Congress finished with the Trump impeachment process, U.S. Senate public works leaders say they can finally start advancing legislation focused on infrastructure, making it their top priority for the next several months. NUCA is working with committee staff and key lawmakers on our own 2021 priorities, which include pandemic economic relief funding, private bonds, broadband, water infrastructure, and the surface transportation bill being sought this summer. [Read more here.](#)

Buttigieg Takes Over at USDOT

The U.S. Senate confirmed on Feb. 2 former South Bend, Ind., mayor Pete Buttigieg to become the USDOT Secretary. The Senate voted 86-13. NUCA congratulated the new Secretary in a LinkedIn statement, writing, "As a former mayor of a city with infrastructure over a century old, Buttigieg understands how critical concrete and steel is to a community's health and growth." NUCA is looking forward to working with Sec. Buttigieg and his team to rebuild and expand America's essential infrastructure. [Read more here.](#)

NUCA Opposes Increase in Truck Liability Coverage

This month NUCA joined a trucker's coalition in opposing any increase in the existing minimum liability coverage mandated by federal regulations. Not only is such an increase unnecessary, it will do nothing to improve highway safety and would significantly increase costs. Increasing this coverage would affect all businesses transporting property, including those in the materials industries. Read more [here.](#)

Congratulations to NUCA's 2020 William H. Feather Safety Award Winners!

Please join us in a hearty cheer for Overall Safety Award Winner Team Construction out of Nashville, Tennessee for leading the way in keeping our workers safe. Additionally, members Midstate Site Development out of Bloomfield, Connecticut and Fehlinger Construction Group out of Shavertown, Pennsylvania both won their respective manhour categories. We're always glad to see that safety continues to be a priority for NUCA's membership.

Help Us Construct Our New NUCA Advantage Benefits Program

Our healthcare benefits program is undergoing changes this year to fit more of your business requirements. NUCA Advantage, now powered by The Faison Group, is asking our members to complete a brief benefits survey so we can benchmark current member benefits. By benchmarking current benefit offerings, we will be able to deliver tailored programs designed specifically for the needs/wants of the NUCA members. Please take a few minutes to fill out the survey by [clicking on this link.](#)

Trench Safety Stand Down: June 14-18, 2021

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

SAFETY NEWS

By Jeff Blomgren
Safety Director at Petticoat-Schmitt Civil Contractors

The Safety Paradox – Between Work and Home

For every one of us reading this article, safety is our primary focus in the industry we are in. We do everything we can to protect our employees and educate them about the hazards they face in the workplace. We do audits, create programs and spend our resources in prevention efforts like PPE and equipment. We coach, mentor, encourage and at times we have to correct, but in it all is the need to provide a workplace that is safe for our teammates.

One thing we don't do enough of is to focus on the most hazardous place we come in contact with, our homes. Statistically, the home is the place we feel safest but it's also the place that is where we feel comfortable doing unsafe things. It even starts from the time we leave work. Do we text, do we speed, do we get angry at the driver ahead when they don't move fast enough? There has been a dramatic increase in car crashes and motor vehicle fatalities due to cell phone use. We don't allow cell phones to be used in the workplace, but as soon as we get in the car to head home, out comes the phone. Our Disconnect doesn't stop there.

We get home and continue the disconnect with our safety at work and the safety of ourselves and those in our homes. Maybe this weekend we clean the gutters. Do we pay attention to ladder inspections and ladder safety? Is that fire extinguisher under the sink still within specifications and ready for use? Is there one in the garage that needs to be inspected? How often do you check it? At work we check them on our equipment inspections daily and we do a detailed inspection every 30 days. How many of us do that at home? Do you check the first aid kit for expired first aid dated supplies? Do you go out and do the lawn work in soft toe shoes or even flip flops and no safety glasses?

We can re-calibrate our brains so that we have that same zero injury mindset at home that we do at work. It takes practice and self-discipline but it can be done. We are also teaching those in our homes every day. Many times we hire teammates who have never learned the importance of safety because it wasn't a priority in the home. Then what we need to do is instill the safety mindset and hope it migrates to the home.

Safety is a 24 hour 365 day job for all of us. Everywhere we go and everything we do. Don't leave safety at work. Take it home with you.



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 (two left)

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.

SOLD

_____ \$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~~) (two left)

Sponsorship includes signage at the hole.

_____ \$450 Beverage Cart Sponsor (~~Limit two~~)(one left)

Sponsorship includes signage at event

_____ \$450 Dinner Sponsor (~~limit four~~) (two left)

Sponsorship includes signage at event

_____ \$450 Lunch Sponsor (~~limit four~~) (three left)

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

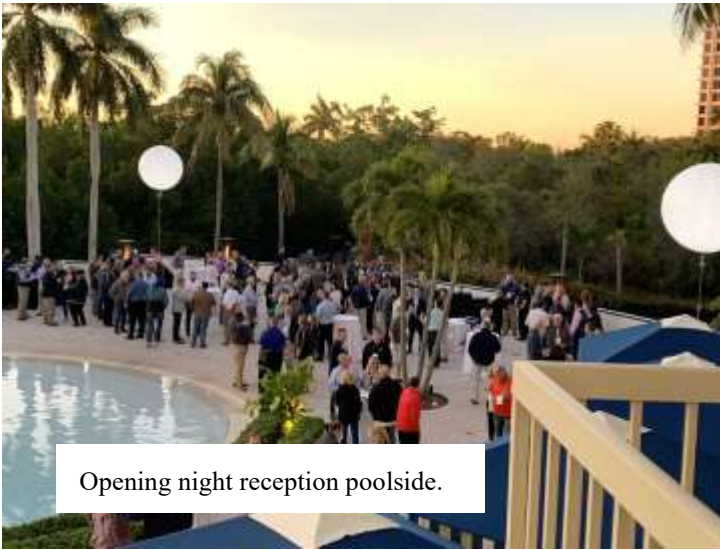
NUCA CONVENTION PHOTOS



Lunch in the Exhibit Hall.



Core & Main giving away kid's hard hats.



Opening night reception poolside.



Nice to visit with our friends at United Rentals.

Artists at work during our team building event.



Paul Gilsdorf speaks with John Deere Reps.

JUNE IS TRENCH SAFETY MONTH!

Safety Training and Protective Systems Save Lives



Trench Safety Stand Down Week | June 14–18, 2021

Make plans for your company to participate in this year's NUCA Trench Safety Stand Down Week. Being a part of our popular 5th annual TSSD Week will help educate your employees on trenching hazards at the jobsite.

OSHA's National Emphasis Program on Trenching and Excavation is a high agency priority. NUCA and OSHA have teamed up again this year for our annual trench safety program. More than 32,000 employees on 3,500 jobsites participated in the 2020 TSSD.

Every company or organization that holds a TSSD will receive a certificate of participation, as well as hard-hat stickers for every employee who participated. Recognition will also be given in NUCA publications. Please plan for your company to be a part of this vital industry safety event this year.



Also sponsored by NUCA's Safety Ambassadors Club

Alex E. Paris Contracting
Atlas Excavating
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Case Construction Equipment
Caterpillar, Inc.
Cemen Tech, Inc.
Core & Main
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Ditch Witch
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Greg Strudwick & Associates
HCSS
HRP Construction
Hymax by Krausz

John Deere
Johnson Bros.
Komatsu America Corp.
L.G. Roloff Construction
McLaughlin Boring Systems
National Trench Safety
Oxford Plastics USA
Petticoat-Schmitt Civil Contractors
Safety Management Services
Sunstate Equipment Co.
Team Fishel
United Rentals
Xylem
Wacker Neuson Corp.

For more details and TSSD materials: nuca.com/tssd #TSSD21 #TrenchSafetyMonth

BOARD MEMBER SPOTLIGHT—CALEB HURLBERT

Tell us about the services your company provides.

A. J. Johns, Inc. focuses on complete site development, including demolition, clearing, earthwork, paving, concrete, and underground utilities.

What is your business philosophy?

My business philosophy is not to make excuses, but to make improvements; don't stop when you're tired, stop when you're done; and T.E.A.M. (Together Everyone Achieves More).

What are your hobbies or interests outside of work?

My most treasured time off is spent with my wife and two daughters. I also enjoy many different outdoor activities, such as hunting and fishing. Two competitive sports that I follow actively are Monster Energy Supercross and Major League Baseball.

What is your favorite travel location?

I prefer a trip to a lake house on Kingsley Lake or Lake Santa Fe.

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

I would love to talk to my great great grandfather Francis Telesford Hurlbert. I would enjoy learning more about Florida when he grew up here, he fought in the civil war, and learn more details about the family history.

What are you currently reading?

The Odyssey

Grill master or reservations?

I am not a grill master but strive to be. I would prefer grilling because when you are grilling its normally for a crowd and that means your spending time with friends and family. Also, the grill has a wide variety. From grilling burgers, to blackened mahi or a bone-in ribeye.



MORE CONVENTION PHOTOS



Jeff Rumor talks with National Trench Shoring.



Plenty of social distancing at the Keynote luncheon.



Ditch Digger of the Year Dan Buckley



New Board of Directors is installed.



Beautiful Naples Sunset.



Best Convention T-shirt!

Save the Date

The National Utility Contractors Association of Florida (NUCA of FL) will be hosting

**2021 Virtual Legislative Days
March 22-26.**



We will have several key lawmakers join us “Live” via Zoom on March 22 and your NUCA Chapter will be reaching out to your local state representatives and senators to schedule other virtual meetings during the week.

Registration for the Virtual Legislative Days Kick-off on March 22 will be available soon on our website at www.nucaflorida.org along with opportunities for sponsorship. It is imperative that lawmakers hear from our industry on legislation impacting your business. We thank you in advance for your participation.



Questions? Contact Kari Hebrank or Scott Jenkins, Carlton Fields at 850-224-1585.

MARCH FEATURED SPONSOR



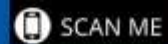
Virtual Safety Training

Safety powered by productivity. United Rentals now offers virtual, instructor-led training for Excavation Safety, Confined Space Safety and more. These distance learning classes are available in English or Spanish, as private classes for your group, or through one of our many open enrollment sessions.

United Rentals Trench Safety
5856 Mining Terrace
Jacksonville, FL 32257
904.786.3100



Visit trenchsafetyevents.com or scan the QR code to learn more.



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