

THE FLOW

Upcoming Events

September 23rd & 24th
NUCA of Florida
Corn hole Tournament
& President's Cup
See Info on
Pages 10 & 11



October 14th
Next Man Up
Heavy Equipment
Ring Power Corp.

October 21st
General Membership Meeting
Maggiano's

SEPTEMBER 2021

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2021 OFFICERS & BOARD OF DIRECTORS

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PRESIDENT'S MESSAGE

Hello Members,

True to Florida style, it is late August and we are seeing no sign of it cooling off outside! Stay hydrated. We have had some days this month where the heat index has reached 106 degrees. Safety first everyone.

Our annual fishing tournament was held on the 21st of August. Another successful event. I would like to thank all of those involved in making this happen. Thank you to all our valued sponsors also. Good times and great memories were made.

We will be moving our September monthly meeting to October. As everyone knows, Covid has flared up in the past 60 days, so we felt that pushing the meeting out 30 days would benefit us all.

At the national level, the Senate passed an infrastructure bill that gives \$55 billion to water projects. This is awesome news. And this is exactly why we are an organization, to help push these agendas along. The squeaky wheel gets the grease!

Starting in October we will be starting a big membership drive. We are always trying to grow. If you are interested in getting involved with our membership drive, please reach out to Kathy or myself. Strength in numbers!

Stay Safe and God Bless,

Marty Adams
madams@tblandmark.com

In life there is no such thing as impossible; it's always possible.
Venus Williams

2021 NUCA of North Florida

Monthly Sponsors

Diamond Sponsor

United Rentals
Trench Safety

Fortiline Waterworks

Platinum Sponsors

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Lippes & Bryan
Petticoat-Schmitt Civil
Contractors
Ring Power Corporation

CALENDAR OF EVENTS

September 23rd

NUCA of Florida
Board Meeting & Cornhole
Tournament

September 24th

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

October 21st

Board of Directors & General
Membership Meeting
Maggiano's

November 2nd

Clay Shoot
Jacksonville Clay Target
Sports

November 17th

Top Golf Benefit
For Seamark Ranch

The Law and Your Business

The Law and Your Business – Venue Selection When Bonds Are Involved *Christian Lake, Esq., Lindell Farson & Zebouni*

One of the more commonly mechanisms for assuring performance and payment relating to contracting work is the payment and performance bond. These bonds, which are obtained by a general contractor from a surety, provide an assurance to the owner that the subject project will be completed and that all parties performing work will be paid. Therefore, bonds are effective forms of protection for owners and are fairly commonplace as a result.

Recently, a Florida Court issued a decision relating to where lawsuits may be initiated under a bond. In *Southeastern Concrete Constructors, LLC v. Western Surety Co.*, the Plaintiff was a subcontractor for a project in Hillsborough County for the Florida Department of Transportation (“FDOT”). Prior to commencing work, the general contractor obtained a performance and payment bond from Western Surety which guaranteed to FDOT that the project would be completed and that all subcontractors would be paid in full.

Plaintiff performed its work under the subcontract but was not paid by the general contractor. As a result, Plaintiff sued Western Surety in Hillsborough County for payment under the bond. Plaintiff elected not to sue the general contractor but, instead, to focus exclusively on the surety. Florida law allows for a subcontractor to sue either the general contractor, the surety, or both, when the subcontractor is not paid for work done for a project where a bond is in place.

Western Surety moved to dismiss the case brought by Plaintiff and to transfer the case to Levy County. Western Surety pointed to Plaintiff’s contract with the general contractor which stated that “any suit relating to the subcontract ... shall be commenced in ... Levy County, Florida, and shall remain there until its conclusion.”

Plaintiff opposed Western Surety’s attempt to move the case from Hillsborough County to Levy County by pointing out that the bond, which formed the basis for Plaintiff’s suit against Western Surety, did not contain any provision limiting the venue for a lawsuit. While Plaintiff would be required to bring a suit against the general contractor in Levy County, Plaintiff chose not to sue the general contractor. No mention was made in Plaintiff’s contract with the general contractor about any suits brought under the bond and to which the surety would be a party and the Plaintiff did not agree to limit the venue for cases against the surety in that contract either.

As such, the Court held that since the bond did not limit where a lawsuit could be brought, and since Plaintiff was entitled to bring suit directly against the Western Surety under the bond, the case was properly brought in Hillsborough County and that Western Surety’s objection to that venue and its attempt to move the case to Levy County was rejected.

If you have questions regarding how and where to bring a lawsuit under a bond or under a subcontract with a general contractor for a bonded project, please contact the law offices of Lindell Farson & Zebouni, P.A.

2021 FISHING TOURNAMENT RESULTS

We had a beautiful but very hot day for our tournament this year at the Northeast Florida Marlin Association in St. Augustine on August 21st. Grill Billy's provided a wonderful BBQ of brisket, hot dogs and chicken wings. Rick Parker from Forterra and Ed Porter from Bobcat managed the weigh in. Rick also played music for the event and brought his sound equipment. Valinda Krynicky, United Rentals Trench Safety, Alexis Saffer, TB Landmark and Tyler Harrell, Petticoat-Schmitt helped out selling raffle tickets, filling out weigh-in cards and with the clean-up. Our fishing Chairman, Ashton Milam, United Rentals Fluid Solutions, was our announcer and handed out the door prizes and awards. Congratulations to the winners of this year's tournament.

REDFISH

- 1st Place, Tony Macaluso, Beard Equipment, 6.14 bs
- 2nd Place, Jay Friemark, Florida Pumping Solutions 5.98 lbs
- 3rd Place, Maeyln Rinnert, Petticoat-Schmitt 4.01lbs

FLOUNDER

- 1st Place, John Dewitt, Ring Power, 3.5 lbs
- 2nd Place, Nathan Rinnert, Petticoat-Schmitt., 2.64 lbs
- 3rd Place, Bret Rinnert, Petticoat-Schmitt, 2.47 lbs

KINGFISH

- 1st Place, Alvaro Rios, T.G. Utility 13.9 lbs
- 2nd Place, Ryan Preeschl, T.G. Utility, 11.54 lbs
- 3rd Place, Tyler Smith, Florida Pump Solutions, 10.75 lbs

OTHER SPECIES

- 1st Place, Kimbree Gowen, Cobia, Cecil W. Powell & Co., 17.85lbs
- 2nd Place, Kimbree Gowen, Barracuda, Cecil W. Powell & Co., 5.96 lbs
- 3rd Place Aaron Young, Barracuda, Synergy 5.69 lbs

SEA TROUT

- 1st Place, Robert Mills, Bobcat of Jacksonville, 13.9 lbs

KID'S TROPHY FOR THE LARGEST FISH

Kimbree Gowen, Cecil W. Powell & Co.,

KID'S PRIZE WINNER

Davis Dewitt, Ring Power Corp.

GRAND PRIZE WINNER

Maeyln Rinnert, Petticoat-Schmitt

FISHING DIVA

Kimbree Gowen, Cobia, Cecil W. Powell & Co., 17.85 lbs

FISHING TOURNAMENT PHOTOS





Senate Passes Historic Core Infrastructure Legislation

On August 10, the U.S. Senate delivered a long-sought NUCA legislative goal with its bipartisan 69-30 vote to pass the Infrastructure Investment and Jobs Act (H.R. 3684). "This bill is a significant milestone for our nation, and its infrastructure... \$55 billion to replace obsolete water distribution systems and remove harmful lead pipes, plus another \$65 billion to install modern broadband infrastructure, is an extraordinary achievement... This bill is a big win for NUCA members," said NUCA CEO Doug Carlson. The bill also reauthorized the nation's surface transportation law, a top goal of NUCA's spring Summit. NUCA's government affairs team worked with Congressional staff and supportive lawmakers to insure that funding levels for the SRF programs remained intact throughout the process. The bill now heads to the U.S. House, which will meet on Aug. 23 to vote on the legislation. Passage is not assured, as House Democratic leadership is insisting that this bill be voted on in tandem with a \$3.5 trillion budget reconciliation bill that has no GOP support. Read more [here](#).

Make Plans To Attend NUCA's Fall Washington Summit, Nov. 2-3

Capitol Hill will be back in-person this fall and infrastructure will remain on top of Congress's to-do list! Join us in Washington D.C. Nov. 2-3 for NUCA's Fall Washington Summit and meet your lawmakers in person. Let them know that infrastructure and workforce development is a top priority for you and their constituents. NUCA secured the Washington Marriott at Metro Center (775 12th St. NW, Washington, DC) to serve as our Summit headquarters. Register for the Summit and hotel rooms at nuca.com/summit.

Sign Up For NUCA's Muster Advocacy Program

With infrastructure the hot topic in Congress this fall, 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](#).

2022 NUCA Convention Summer Special Rates Good Until Sept. 6th

As your trusted mentors told you, "the early bird gets the worm," and now you can use that advice for good effect by registering early for the Mar. 2-5, 2022 NUCA Convention in San Antonio, Texas. NUCA encourages you to take advantage of our frugal Summer Special registration rates, now in effect until Labor Day, Sept. 6. Register [here](#).

NUCA Webinars: Online All The Time, Registration Open For Sept. 8 Event

If you missed the August webinar sponsored by NUCA National Partner Cemen Tech, you are in luck thanks to NUCA's online presence! August's webinar, "How Volumetric Technology Benefits The Industry," is available anytime on NUCA's YouTube channel! Our September 8 (2pmET) webinar sponsored by NUCA National Partner Tenna, "Construction Technology and the Coming Tide in Equipment Management," is now open for your registration. Go here for both webinars: <https://www.nuca.com/webinars>

Expanded NUCA Advantage Member Benefits Program

Our association's popular benefits program is expanding to help address our members' many business needs. The expanded program is now online at www.NUCAAdvantage.com and includes the online portal to an expanded healthcare benefits options, payroll, wellness, compliance, benefits administration, online learning, OSHA logs, and includes a wealth of free benefits available only to NUCA members.

SAFETY NEWS

By Jeff Blomgren

Safety Director at Petticoat-Schmitt Civil Contractors

AED Set Up - The Process Isn't As Simple As Sticking It Up On The Wall

Setting Up an AED Program

The AHA strongly encourages organizations to implement AED programs to increase the chances of survival of those who suffer sudden cardiac arrest.

All worksites are potential candidates for AED programs because of the possibility of sudden cardiac arrest and the need for timely defibrillation.

Each workplace should assess its own requirements for an AED program as part of its first-aid response.

According to OSHA, among the issues to consider in setting up a worksite AED program are physician oversight; compliance with local, state and federal regulations; coordination with local emergency medical services (EMS); the creation of a quality-assurance program; and the performance of periodic reviews.

Key steps to setting up an AED program at your workplace include:

Getting medical oversight. The FDA may require a physician's prescription to purchase an AED. The physician's role varies depending on the program's size and other characteristics. Responsibilities may include signing off on or making recommendations on training plans, policies and procedures; evaluating AED data recorded during an emergency; and helping assess each use of an AED to recommend improvements.

Working with local EMS. Most states require employers to coordinate their AED program with local EMS and to provide follow-up data to EMS after the device is used. In states that require registration or application for AED programs, the physician or program coordinator completes this process.

Making sure program support is available. Some AED manufacturers provide help with program implementation and ongoing support. They can assist with placement, medical authorization, registration, training and supplies. Review your capabilities and determine if services like these would be helpful in implementing your program.

Placing your AEDs in visible and accessible locations. Being locked away or inaccessible does a rescuer no good. An effective AED response delivers a shock to a victim within three to five minutes after the person collapses. Use a three-minute response time as a guideline to help you determine how many AEDs you need and where to place them.

Developing a training plan. AED users should be trained on the device and in CPR. AED training can increase responders' comfort and confidence level.

Many safety organizations, such as the AHA and the American Red Cross, offer CPR and AED training.

Raising awareness of the program. After implementing an AED program, provide information to all employees about it. You may want to use internal newsletters, magnets, signage or other means to promote the program and identify where the devices are located.

There is significant reliable support information concerning the use of an AED but just putting it up on the wall isn't enough. People need to know how to effectively use it and training is an essential part of the process.

MIKE FLOWERS, JR. NUCA'S NEW DIRECTOR

NUCA is proud to announce that Mike Flowers, Jr. has joined the association as our new director of safety, education and training.

“Safety for our industry’s employees is a core value at NUCA,” said NUCA CEO Doug Carlson. “Mike’s extensive background in training and project management will allow NUCA to take our existing safety and training programs and expand them for our membership. Mike has the experience, leadership, and conviction needed to maintain our industry’s extremely high standards for safety.”

With more than 20 years of experience, Flower’s position as director of safety, education, and training will clearly articulate NUCA’s overall vision, objectives, strategies, policies, and procedures to enhance the association’s safety culture.

Before coming to NUCA, Flowers provided training leadership at JLG Industries in McConnellsburg, Penn. Until 2019, he served as director of training for 12 years with the Frederick County (Maryland) Sheriff’s Office. Flowers was in charge of all training for the department, managed the department’s training academy, developed training and lesson plans, and maintained accredited status for the program from OSHA, the state’s fire marshal’s office, and other state and national organizations. He coordinated all aspects of two law enforcement academies each year, and scheduled in-service, specialized, and recertification training for the department’s staff.

Flowers can also draw upon his eight years in the U.S. Marine Corps as a platoon commander. His leadership included overseas deployment in several active combat theaters, and other homeland security duties. He served as the instructor for several training activities, and designed, organized, and supervised a wide scale of rescue training programs specific to his military missions.

Flowers takes over the NUCA safety and education department from Carl Vasquez, who left earlier this summer. Flowers holds a B.S. in criminal justice from Purdue University, and obtained numerous certifications in specialized law enforcement programs since leaving the military in 2005.

Mike can be reached via email at mike@nuca.com. Welcome aboard, Mike!

NOT A GOLFER?
Pamper yourself at the
luxurious on-site spa at our
reduced service rate.



EVENT DATE:
September 23-24, 2021

EVENT LOCATION:
PGA National Resort & Spa
400 Avenue of the Champions
Palm Beach Gardens, FL 33418

BOOK ROOM

USE RATE CODE
92321NUCA

Note: You may also contact the Reservations Department at 888-758-0945 weekdays / weekends from 9am to 5pm; reference NUCA of Florida President's Cup, or the block code: 092321NUCA when making arrangements. The group block will be holding rooms from now until September 7th, 2021.

2021 PRESIDENT'S CUP, CORNHOLE, & BOARD MEETINGS

SPONSORSHIP KIT

Come network with industry colleagues, mingle with NUCA of Florida board members and leadership at a reception, try your hand at Cornhole, and then join your peers on the greens for the President's Cup.

SCHEDULE

THURSDAY, SEPTEMBER 23

Executive & Committee Meetings & Board Meeting
(10:30 a.m. - 5:30 p.m.)
Reception & Cornhole Tournament (6 - 9 p.m.)

FRIDAY, SEPTEMBER 24TH

President's Cup Golf Event/Spa Day
(7:30 a.m. - 2 p.m.)

VISIT WWW.NUCAFLORIDA.ORG OR

[CLICK HERE TO REGISTER OR SPONSOR](#)

Questions? Contact Kari Hebrank at 850-224-1585 or email khebrank@carltonfields.com.



CORNHOLE & GOLF SPONSORSHIPS

Golf and Cornhole Save by registering for both events!	\$225 each
Cornhole Tournament	\$100 each
Presidents Cup Golf Tournament	\$150 each
Foursome and Tee Box Sponsorship Save \$100	\$750 each
Golfing Survival Bag Includes 4 free throws, mulligans, free "throw & kick" tickets, snacks, golf towel, sleeve of golf balls, and drink tickets.	\$50 each
Golf Tournament 4 Free Throws	\$25 each
Hole-in-One Sponsorship Sponsors will be recognized on signage located at the registration desk and at the luncheon following the tournament and on the website.. The "Hole-in-One" Sponsor will also be permitted to display their company's promotional items at the event and will be recognized in all promotional mailings and in the Ditchmen. Sponsors also receive two complimentary golf registrations.	\$2,500 each
Bloody Mary Bar Sponsor Sponsor will be recognized on signage at President's Cup event, on promotional materials, on the website and in the Ditchmen.	\$2,000 each
Golf Beverage Cart Sponsorship Sponsorship will be recognized on the beverage cart, at the registration desk, on promotional materials, on the website and in the Ditchmen.	\$1,500 each
Foursome Golf and Foursome Cornhole	\$900 each

Cigar Bar Sponsor Sponsor will be recognized on all event signage, on promotional materials, and in the Ditchmen.	\$1,500 each
Eagle Sponsorship Sponsors will be recognized on signage at the registration desk, at the luncheon following the tournament, on all promotional mailings, on the website and in the Ditchmen.	\$1,000 each
Birdie Sponsorship Sponsors will be recognized on signage at the registration desk, at the luncheon following the tournament and in the Ditchmen.	\$500 each
Cornhole Sponsorship Sponsor will be recognized on signage at the Cornhole event registration desk, on promotional materials and in the Ditchmen magazine.	\$500 each
Par Sponsorship Sponsors will be recognized on signage at the registration desk, at the luncheon following the tournament and in the Ditchmen.	\$400 each
Longest Putt Sponsorship Sponsors will be recognized on signage located at the registration desk, on the skills contest sheet and in the Ditchmen.	\$275 each
Closest-to-the-Pin Sponsorship Sponsors will be recognized on signage located at the registration desk, on the skills contest sheet and in the Ditchmen.	\$275 each
Longest Drive Sponsorship Sponsors will be recognized on signage located at the registration desk, on the skills contest sheet and in the Ditchmen.	\$275 each
Sponsorship: Tee Box Sponsors will be recognized on signage located at a designated tee box.	\$250 each
Advocacy Contribution Keep us at the table in Tallahassee, advocating for your industry issues!	\$25 each

VISIT WWW.NUCAFLORIDA.ORG OR

[CLICK HERE TO REGISTER OR SPONSOR](#)



Questions? Contact Kari Hebrank or Rebecca Brown at 850-224-1585 or email khebrank@carltonfields.com.

MORE FISHING PHOTOS



2021 NUCANF FISHING SPONSORS



Hat Sponsor

United Rentals Trench Safety

Sleeve Sponsors

A.W.A. Contracting Co.

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NEW MEMBER SPOTLIGHT



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 - *Water Lines
 - *Sewer Lines
 - *Septic Lines
 - *Gas Lines
 - *Telecom Lines
 - *Septic Tanks
 - *Tunnels
 - *Manholes
 - *Underground Voids
 - *Grave Sites
 - *Much More

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:

BENEFITS GUIDANCE

Healthcare | Dental | Vision | Life & Disability Plan Comparisons | Plan Administration

PAYROLL AND HUMAN RESOURCES SUPPORT

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PROPERTY & CASUALTY OPTIONS

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WELLNESS PROGRAMS

Tailor-made Wellness Programs | Biometric Screenings | 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

NUCA Advantage now includes the resources to help you manage compliance, administration, training, and employee benefits—and they're free!

- 150+ Industry Training Courses
- OSHA Logs: Tracking & Reporting
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- HR Reporting & Compliance Apps
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- HR Content Library
- Required Employee Notices

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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 More!

Contact Us:

Wayne Faison
NUCA Advantage Member Representative



954.701.3276



nuca@nucaadvantage.com



www.nucaadvantage.com

NOMINATIONS FOR 2022 BOARD OF DIRECTORS

The Nomination Committee of NUCA of North Florida is now accepting applications for the 2022 Board of Directors. You can obtain an application by calling the NUCANF office at 904/296-1230 or sending an email to nucanf@gmail.com. Deadline to submit your application is October 15th.

The board meets every other month usually on the third Thursday from 4:30 pm to 6:00 pm. Additional special meetings may be called if necessary. NUCANF has a number of committees. Board members, once elected, are expected to be active members of at least two committees. All members of the Board of Directors are encouraged to promote NUCA of North Florida (NUCANF), our State Association, NUCAof Florida , and our National Association, NUCA. Recruitment of new members is essential to ensure the growth of this association.

Voting for the election of the 2022 Officers and Board of Directors will take place via email. A ballot will be emailed on November 5th. Only one vote per member company.

HELP WANTED

NEW MEMBER SPOTLIGHT



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POLYMER CONCRETE

Jared Johnston - Florida Sales Manager
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jjohnston@armorock.com

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SEPTEMBER FEATURED SPONSOR



While Petticoat-Schmitt Civil Contractors (PSCC) is a company known for their outstanding work in public and private construction, few people are aware of the elements that truly cement the company's success.

Since 2007, PSCC has delivered numerous rewarding projects with a wide range of scope and size. Their achievements and outstanding reputation are the direct result of the company's dedicated effort to create a positive culture that inspires the best of everyone on the PSCC team. This culture is built and reinforced by the company's Mission, Purpose, Vision, and Core Values.

OUR MISSION: We build life-changing infrastructure.

While all construction companies build things, and many are involved in building infrastructure, PSCC takes their role more seriously as they value the "life-changing" work they do. Recognizing the importance of maintaining a strong work ethic that focuses on safe, dependable construction that is on schedule and stands up over time, PSCC starts and completes every project with their mission in mind.

OUR PURPOSE: To enhance the lives of our team members and the communities we serve.

PSCC President, Ryan Schmitt, believes in servant-leadership where you put your team first, and yourself second. "When we focus on the individual strengths of each member of our team, it empowers them to work and grow to meet their professional and personal goals. This creates our PSCC community that then takes great pride in enhancing the many communities we serve."

OUR VISION: We set the benchmark for our industry by being the best in class in leadership, innovative practices, operational efficiency, and the engagement and development of our team members.

In addition to creating quality measures for the work they do and the people they serve, PSCC's current and future objectives offer a roadmap that keeps them aligned and on track to achieve their goals. Continuing education and skill-development opportunities are offered across all levels of the organization. And, a multi-faceted incentive plan rewards individual and the entire PSCC team for work well done, which ultimately drives the success of the project and client satisfaction. This commitment to a progressive vision helps ensure every member of PSCC values the work they do and the people they work with.

PSCC CORE VALUES.

It takes a special group of people to implement and maintain a successful corporate culture – especially when so many aspects of life today are distressed and unstable. PSCC attracts and retains high quality team members by instilling a powerful set of core values known as A.C.T.

Accountability, Character, and Team. Safety, communication, preparation, integrity, respect, trustworthiness, and determination are just a few of the values that make up PSCC's A.C.T. list.

Collectively, all of these factors help create Petticoat-Schmitt's "Plan to Win." The Plan is designed to not only benefit PSCC as an organization, but also each team member, customer, and the communities they serve. Over the years, PSCC has exemplified the value of taking a strategic, professional approach to contracting services, and the significant return on investment it brings to the companies they work with.

A COMMITMENT TO QUALITY, A DEDICATION TO SERVICE

Petticoat-Schmitt specializes in clearing, grading, storm drain, water systems, sanitary sewer, roadway construction, and water & wastewater treatment plant construction. Their consistent focus on quality has earned them several NUCA Awards including two in construction safety, a National Community Service Award, and multiple "Top Job" Award for excellence in construction.

"When we all focus on quality performance together, everyone benefits." (Lauren Atwell, COO)