# THE FLOW

#### **Upcoming Events**

#### May 12th

Jacksonville Jumbo Shrimp Buffet at 6:00 pm Game starts at 7:05 pm

#### May 17th

NUCA Wins Webinar See additional info on Page 12

May 23rd to 25th

**NUCA Washington Summit** 

May 26th

Next Man Up Heavy Equipment Ring Power

#### MAY 2022

#### **INSIDE THIS EDITION**

President's Message	2
Calendar of Events	3
The Law & Your Business	4
Golf Results	5
Welcome New Member Sunstate Equipment Co.	6
NUCA News	7
Safety News	8
Thank You Golf Sponsors	9
Golf Photos	10
Trench Safety Stand Down	11
NUCA Wins Webinar	12
NUCA of Florida Conference Info	13 15
Muddy Water Blues	16
Washington Summit	17
New Member Spotlight— Sterling Seacrest Pritchard	18
Featured Sponsor—Alta Equipment Corp.	19



#### 2022 OFFICERS & BOARD OF DIRECTORS

#### **EXECUTIVE COMMITTEE**

President Mike Kivlin, John Woody, Inc. President-Elect Tim Gaddis, Vallencourt Construction Vice President I Caleb Hurlbert, A.J. Johns, Inc.

Vice President II Paul Gilsdorf Secretary/Treasurer Rob Pinkston, Ferguson Waterworks General Counsel Tony Zebouni, Lindell,Farson & Zebouni Past President Marty Adams, TB Landmark

#### **BOARD OF DIRECTORS**

Kirk Blomgren, Petticoat-Schmitt Civil Chad Cockrell, A. J. Johns, Inc. Wesley Cook, Florida Roads Contracting Joe Geiger, Cemex Billy Hood, J. B. Coxwell Contracting Valinda Krynicki, United Rentals Christian Lake, Lindell,Farson & Zebouni Drew Lane, Advanced Drainage Systems Chance Leonard, ECS Florida Rick Parker, Forterra Pipe & Precast Barry Watson, Fortiline Waterworks Chris Wilson, Martin Marietta Materials Jon Woodall, John Woody, Inc.

#### Linda Daniels & Associates, LLC

Linda Daniels, CCIM

Licensed Real Estate Broker 100 Center Creek Road Suite 102 Saint Augustine, Florida 32084 Cell: 904-304-7222 Idaniels@lindadaniels.com www.lindadaniels.com Fax: 888-343-8018

#### PRESIDENT'S MESSAGE

Dear Friends,

Howdy Everyone! The year continues to roll along with its ups and downs. Things are still crazy, but they've seemed to level off a little bit. Keep working hard, know that NUCA is here to help, and we'll get through anything and everything together. As always, thank you to our monthly sponsors! Without you, this great organization would not exist.

Once again, y'all made this years golf tournament one of the bests that we've ever had! A huge thank you to all of our sponsors, attendees, the golf committee and Kathy for all of your hard work! Registration is open for the NUCA of North Florida scholarship offerings. These scholarships directly benefit members of NUCA of North Florida and are available to anybody entering college or a trade school, and anybody already in college or trade school if they are the child of anybody that is an employee with one of our members. DON'T MISS YOUR OPPORTUNITY FOR FREE MONEY!!!

Thirsty Thursdays are back again, and our annual trip to watch the Jumbo Shrimp is booked for Thursday, May 12<sup>th</sup>! Come on out and enjoy some balk park food, good baseball, and fellowship! NUCA National's Washington Summit will be held on May 23<sup>rd</sup>-25<sup>th</sup>. If you are able, try to attend and get a feel for politics at the national level. Remember, this year is an election year and things will get very interesting at all levels of government. Support the NUCA National PAC and participate in the Bidding for Benjamins program offered by NUCA of Florida to put your money to work and help us "make friends" across the political system. Summer is right around the corner, and that means the NUCA of Florida Annual Conference is back! We will be heading to the Opal Grand in Delray Beach on July 21st-23rd. Registration and the room block are open, so come join us as we tackle some major issues that we all face as an industry and enjoy some good company too! Last, but not least, the NUCA of North Florida Annual Fishing Tournament will be held on August 27<sup>th</sup>. Come on out and help me celebrate my birthday by catching a boat load of fish!

As always, please continue to support our members and associates. If there is anything I can do to help you out, please do not hesitate to give me a call.

Sincerely, Mike

Mike Kivlin

#### 2022 NUCA of North Florida

#### **Monthly Sponsors**

#### **Diamond Sponsor**

United Rentals Trench Safety Fortiline Waterworks Sunbelt Rentals

Platinum Sponsors Beard Equipment Company

<u>Gold Sponsor</u> Alta Equipment Company Forterra Pipe & Precast Nimnicht Chervolet

#### Silver Sponsor

A. J. Johns Inc. ECS Florida, LLC Gate Fuel Service John Woody, Inc. Lippes & Bryan Petticoat-Schmitt Civil Contractors Ring Power Corporation

#### **CALENDAR OF EVENTS**

<u>May 10th</u> Board of Directors Meeting Zoom

> <u>May12th</u> Jacksonville Jumbo Shrimp Night

<u>May 17</u>th NUCA Wins Webinar

<u>May 23rd to 25th</u> NUCA Washington Summit

> <u>July 14th</u> Scholarship Night Maggiano's

<u>July 21-23rd</u> NUCA of Florida Conference Opal Grand Delray Beach

> August 27th Fishing Touranment

## *The Law and Your Business* – Your protection under the Business Judgement Rule *Tony Zebouni*, General Counsel, NUCA North Florida

Whether managing your company or serving on NUCA's Board of Directors or that of other Associations, it is important to know and appreciate your potential liability or immunity under Florida law. If you are a sole practitioner and are doing business as an individual, you run the risk of being held personally liable of any negligent act.

In Florida, the "business judgment rule" has been codified by statute for corporations, limited liability companies, and not-for-profit corporations. The rule protects officers and directors from judicial review of their acts, if business judgments are made in good faith based on reasonable business knowledge. A director or officer is generally not personally liable for monetary damages to the corporation or any other person for any statement, vote, decision to take or not to take action, or any failure to take any action, as a director. A manager in a manager-managed limited liability company or a member in a member-managed limited liability company is generally not personally liable for monetary damages to the limited liability company, its members, or any other person for any statement, vote, decision any other person for any statement or policy decisions extending business-judgment deference to nonprofit officers and directors.

Florida statutes protect officers and directors and render them immune from liability under most circumstances, absent a showing of bad faith, self-dealing, or a violation of criminal law. A Florida Court stated "bad faith" implies the conscious doing of a wrong because of dishonest purpose and requires a person to act affirmatively with furtive (acting in a stealthy manner) design or ill will. In that case, "bad faith" would contemplate actual knowledge on the part of the director of any improper scheme and a failure to act on such knowledge".

Florida courts have extended business-judgment deference to common interest associations, i.e., NUCA Board of Directors, uniformly shielding "a condominium association's decision if that decision is within the scope of the association's authority and is reasonable, that is, not arbitrary, capricious, or in bad faith from judicial review. Unfortunately, the issue of what is "reasonable" often requires a judicial determination. *New Horizons Condominium Association v. Harding* 

#### **GOLF TOURNAMENT HIGHLIGHTS**

One had once again for our golf tournament. We had a full field of 144 golfers and 19 vendor showcase participants. Thank you to everyone who came out and golfed or sponsored our event. See list of sponsors on page 9. More photos on pages 10.

1st Place Team McGriff Insurance Score: 47



2nd Place Team Florida Roads Team #2 Score: 48



#### **Contest Winners**

Longest Drive #2 Closest to the Pin #5 Longest Putt Skirts for Steak Liquor Raffle Austin Burton John Brendal Jim Gannon Scott Mason Scott Mason

## WELCOME NEW MEMBER

Please join us in welcoming Sunstate Equipment who recently joined our association.

Sunstate Equipment LLC Business: Equipment Rental & Sales Contacts: Adarsh Persaud, Branch Manager Jon Frits, Trench Branch Manager 668 Suemac Road, Jacksonville, FL 32254 Adarsh's Cell: 407-633-7951 Adarsh's email: <u>Adarsh.persaud@sunstateequip.com</u> Jon's Cell: 904-902-9030 Jon's email: Jon.fritz@sunstateequip.com





#### New Trenchless Technology Manual Released

Trenchless technology continues to expand at a very rapid rate, as more contractors recognize the efficiency and cost-savings that can be recognized in its usage. To help more of its members understand trenchless tech, the National Utility Contractors Association (NUCA) released this month its updated "Trenchless Construction and New Installation Methods" manual. The 148-page, full-color illustrated manual carefully addresses and explains the most common trenchless installation methods. This manual was written by construction industry experts, describing both the contractors' and manufacturers' perspective with the goal to educate and guide others in choosing the best subsurface method to completing a project. The new manual is available exclusively from NUCA, and can be ordered online for US\$99.95 plus shipping. More here: <a href="https://www.nuca.com/trenchlessmanual">www.nuca.com/trenchlessmanual</a>

#### Help NUCA Reach 100 New Members During National Signing Day, May 12

Each of us know the outstanding value a NUCA membership provides, and how the many benefits and services of membership more than equal the cost of our membership investment. In our industry, it is now considered a poor business decision to NOT be a member of NUCA. We also likely know a contractor or supplier that isn't a NUCA member. On May 12th, NUCA is asking each member to join us in helping connect more industry companies to the value and voice a NUCA membership provides during our first-ever National Signing Day. Be a NUCA champion and help grow your association by 100 new NUCA members signed up on May 12th! You can participate individually or as part of your chapter's National Signing Day effort. More details are coming, but let's get excited about May 12th and how a bigger NUCA will help all members!

#### Get Ready For Trench Safety Stand Down Week - June 20-24, 2022

June 20-24, 2022 is the sixth annual Trench Safety Stand Down (TSSD). This is your company's opportunity to talk directly to your employees and others about excavation safety. Companies can conduct a stand-down by taking a break to conduct a toolbox talk or other safety activity to draw attention to the specific hazards related to working in and around trenches/excavations. We hope each NUCA member will participate in our TSSD and June's "Trench Safety Month"! For more information and TSSD materials, go here.

#### NUCA's Train-the-Trainer: A New Look, A New Course, Aug. 23-26

NUCA's Safety, Education & Training Dept. is pleased to announce that the venerable NUCA Train-the-Trainer (TTT) course has a fresh new look and a new focus. The updated Train-the-Trainer course emphasizes building instructors and teaching them the concepts of being an effective instructor while focusing on teaching the core NUCA Competent Person and NUCA Confined Space Courses. The 2022 TTT course will be offered in Coppell, Texas, on Aug. 23-26. If you would like to attend this course, be a NUCA Certified Instructor, or refresh your skills and training, please contact NUCA's training director Mike Flowers at <u>mike@nuca.com</u>.

#### Your Investment in NUCA Delivers Many Benefits: Webinar-on-Demand

Are you a new member of NUCA? Or as a long-time member you're seeking a refresher on all the many benefits your annual NUCA membership investment delivers to you and your employees? Our membership department recently held a quick webinar on the growing number of benefits NUCA offers to each member, including some you may not know about. We invite you to watch our quick NUCA membership overview to make sure you're getting the most for your business. <u>Click here</u> to watch our YouTube video.

## SAFETY NEWS

#### By Jeff Blomgren Safety Director at Petticoat-Schmitt Civil Contractors

#### **Recognizing Value**

When we think about the business we are in, we need to ask ourselves, what is our most valuable asset? There's a trucking company that has a saying on the side of their truck trailers, "Our most valuable asset is up in front". I think that's a perfect way to advertise the trucking companies' appreciation for their employees. When we think about the word appreciation, we need to understand the impact of it's meaning. It means to recognize a person's full worth and the impact that person has. Recognizing a crew for their part in making the workplace safe or keeping it clean and orderly, or performing work that is done efficiently and then for exceeding goals or expectations are good reasons to show appreciation. Many times, a monetary reward, while welcome, isn't as effective as being appreciative of the skills and abilities necessary to complete a task effectively. As safety professionals, we get a lot of credit for a good safety record. However, as safety people our real job is to facilitate the process. The real credit goes to the people who are doing the work. They make the day to day, minute to minute decisions to either work safely or to take short cuts or put a fellow worker into a dangerous situation or accept a hazardous condition. The credit goes to where the work is being performed. Our job is to provide the tools and training necessary to equip them to do their jobs safely and to return to their families. There is more to creating a positive work environment than tools, equipment, and training. It's also appreciation and doesn't cost a dime.







#### Platinum Sponsor—Beard Equipment Company

#### Vendor Showcase Participants

Advanced Drainage Systems All Pro Asphalt, Inc. Alta Construction Equipment, LLC Beard Equipment Company Bobcat of Jacksonville Cecil W. Powell & Company Company Wrench Duval Asphalt Products Ferguson Waterworks, Inc Florida Pumping Solutions, Inc.. Forterra Pipe & Precast Fortiline Waterworks Holland Pump Company Linder Industrial Machinery MWI Pump Rental Oldcastle Infrastructure Sunbelt Rentals United Rentals Trench Safety Vermeer Southeast

#### **Event Sponsors**

American Ductile Iron Pipe C & B Piping Core & Main Florida Roads Contracting J.B. Coxwell Contracting, Inc. John Woody, Inc. Martin Marietta Materials McGriff Insurance Services Ring Power Corporation Ritchie Bros Auctioneers, Inc. USI Insurance Services, LLC Trophy Sponsor Lunch Sponsor Beverage Cart Sponsor Longest Drive Lunch Sponsor Lunch Sponsor Beverage Cart Sponsor Dinner Sponsor Dinner Sponsor Dinner Sponsor Closest to the Pin

#### Green Sponsors

A.J. Johns, Inc. Acme Barricades, Inc. Beard Equipment Company C & B Piping Case Power & Equipment County Materials Corporation D. Armstrong Contracting ECS Florida, LLC EquipmentShare Fortiline Waterworks Gate Fuel Service, Inc. J.B. Coxwell Contracting, Inc. John Woody, Inc. Sunbelt Rentals United Rentals Trench Safety Vulcan Materials Company



#### **GOLF PHOTOS**



#### JUNE IS TRENCH SAFETY MONTH!

## Safety Training and Protective Systems Save Lives







## Trench Safety Stand Down Week | June 20-24, 2022

Make plans for your company to participate in this year's NUCA Trench Safety Stand Down Week. Being a part of our popular 6th 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 22,000 employees on 2,200 jobsites from 340 companies participated in the 2021 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 Barber Utilities Case Construction Equipment Caterpillar, Inc. Core & Main CNA Ditch Witch Efficiency Production Ferguson Waterworks 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 #TSSD22 #TrenchSafetyMonth



Join us for this demonstration of NUCA WINS, the app created as the solution to defend CONTRACTORS against unwarranted claims, typically pursued by utilities and opportunistic bill collectors.

With NUCA-WINS you can document all types of jobsite incidents, including injury, utility strike, property damage and vehicular. NUCA-WINS eliminates paperwork, reduces the risk and cost of incidents, and defends against fraudulent claims. As current subscribers can attest - just one mitigated damage or injury claim pays for the entire cost of NUCA-WINS for the year.

Webinar Attendees will be eligible for an exclusive NUCA North Florida Pricing Offer.

When: May 17, 2022 at 11:00 AM Eastern Time (US and Canada)

Register in advance for this meeting: https://us02web.zoom.us/meeting/register/tZYsfuyorjktHd3p7PoE4a59aBSENH5HdBVR

After registering, you will receive a confirmation email containing the Zoom meeting access link.

If you have questions about NUCA-WINS please contact:

Kathy Blackman - Executive Director at nucanf@gmail.com Jim Messina, Compatica - Chief Marketing Officer at jim@compatica.com

# 2022

of FLORIDA

## Annual Conference

## July 21-23, 2022 Opal Grand | Delray Beach

Registration Now Open

**Click Here** 



## July 21-23, 2022 Opal Grand | Delray Beach

Join us at the Opal Grand Oceanfront Resort July 21-23, 2022, for the NUCA of Florida Annual Conference. Sponsorship of the event offers an exceptional opportunity to collaborate and discuss innovative ideas. Conference attendees include company decision-makers-Presidents, CEO's, General Managers, Safety Directors, Project Managers, Supervisors, Engineers-as well as manufacturers, distributors and dealers involved in water, sewer, gas, cable and telephone installations achieved through open excavation or trenchless technology. Network in a relaxed, casual setting throughout the conference, whether its poolside, beachside, or dockside. Showcase your company and its products as a Conference Exhibitor-an excellent, cost-effective way to market your products and services to industry decision-makers and increase your company's visibility. Register today online at www.nucaflorida.org.

\$7,500 - DINNER SPONSOR	· · · ·	2 conference registrations Exclusive Wi-fi password Opportunity to speak at Keynote Breakfast One reserved table at the Saturday night dinner Logo on sponsor signage throughout event Live company introduction at Keynote Breakfast and Saturday night dinner Premier Booth at Contractor's Day Prominent logo displayed throughout conference events/brochure	• • • • •	Your firm's profile included in the conference program (*deadlines apply) Company logo displayed on "Sponsor Page" in the NUCA of Florida Ditchmen Sponsor ribbon added to name tag Company logo displayed on NUCA of Florida website as a "Platinum" Sponsor Company's logo on pull-up banner provided by NUCA of Florida Sponsor signage at conference and included in conference brochure One-year ad placement in Ditchmen magazine
\$5,000 - PLATINUM	•	One reserved table at the Saturday night dinner One full registration at the conference Logo on sponsor signage throughout event Live company introduction at Keynote Breakfast and Saturday night dinner Premier Booth at Contractor's Day Prominent logo displayed throughout conference events/brochure Profile of your firm included in the conference program (*deadlines apply)	•	Company logo displayed on "Sponsor Page" in the NUCA of Florida Ditchmen Sponsor ribbon added to name tag Company logo displayed on NUCA of Florida website as a "Platinum" Sponsor Company's logo on pull-up banner provided by NUCA of Florida Sponsor signage at conference and included in conference brochure Ad placement in Ditchmen Magazine for 4 months
\$3,500 - DIAMOND		Logo on sponsor signage throughout event Live company introduction at Keynote Breakfast and Saturday Dinner Prime booth location at discounted rate at Contractor's Day Prominent logo displayed throughout conference events/brochure Profile of your firm included in the conference program (*deadlines apply)	•	Company logo displayed on "Sponsor Page" in the NUCA of Florida Ditchmen Sponsor ribbon added to name tag Company logo displayed on NUCA of Florida website Company's logo on pull-up banner provided by NUCA of Florida Sponsor signage at conference and included in conference brochure

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Profile of your firm included in the conference program

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(\*deadlines apply)

\$1,000 - BRONZE

15

#### INVITATION TO

Construction contractors, inspectors, planners,

designers and developers

## **MUDDY WATER BLUES**

2022 Field Day and Technology Transfer Workshop May 26 – Jacksonville, FL

Please join the 2022 MUDDY WATER BLUES Field Day Technology Transfer Workshop!

Demonstrations from vendors/suppliers of erosion and sediment control products will showcase the latest BMPs available. This will be a hands-on installation experience for all attendees.

Enjoy free lunch and interacting with industry experts regarding your projects and problems in the field of erosion and sediment control on your job sites.

WHEN: May 26, 2022 from 8:30 AM - 4:00 PM

WHERE: JB Coxwell, 6741 Lloyd Road West, Jacksonville, FL

WHAT: Florida Muddy Water Blues Field Day and Technology Transfer Workshop is an interactive day of environmental Best Management Practicas (BMPs) with demonstrations, and industry experts

WHY: This workshop is designed to help contractors, inspectors, planners, designers and developers learn about effective erosion control, sediment transport and sedimentation BMPs resulting in improved water quality before and after contruction activities.

QUESTIONS: Contact Hal Lunsford – Lunsford Environmental at 850/765-3228 or email him at lunsfordenvironmental@gmail.com







REGION ONE Protecting Soil and Water Resources



We're not sitting on our laurels, after our industry's historic success with last year's \$1.2 trillion infrastructure bill.

This year's Washington Summit opens up the next chapter of this bill: **Implementation**.

We've got four important Summit goals ahead:

- Implementing the Infrastructure Investment and Jobs Act: Five Years Of Funding
- Workforce / Labor: Finding Our New Employees / H-2B Visa Reforms / Project Labor Agreements
- Private Activity Bonds (PAB): Unlocking Private Finance for Infrastructure
- Lead-Pipe Replacement: Delivering The Resources To Finish The Job

WeDigAmerica.org | #NUCASummit

Come to Washington, D.C. this spring and meet in-person with your lawmakers for our annual Washington Summit. Last year's success proved your advocacy works. Let's keep the momentum on Congress, especially during this crucial election year.

Registration and hotel information: WeDigAmerica.org



#### **NEW MEMBER SPOTLIGHT**



## Officially We're An Insurance Broker. But We're Really Something More.

Atlanta | Birmingham | Savannah | Columbus | Tampa | Little Rock

Sterling Seacrest Pritchard is one of the largest privately held Risk Management and Insurance brokerage firms in the U.S. We work in partnership with our clients and community to provide services, solutions, and support customized to today's dynamic marketplace.



#### We're About Possibilities ... Not Just Policies.

This distinction makes us unique in our space. We've devoted our practice to pulling risk management and insurance out of the darkness and into the light through education and advocacy with an unexpectedly pleasant experience.

Relationship Based and Client Focused

Global Market Access

**Experienced Professionals** 

Industry Leading Technology

**Exceptional Resources** 

Unwavering Integrity and Ethics

Independent and Employee Owned

**Our Values** 

#### We're Local With a Global Reach

We collaborate with industry leaders to provide the best solutions to help your organization proactively manage risk, develop workplace safety programs, reduce claims, and achieve your goals.

#### Here for You

- Exposure Analysis
- Program Development & Auditing Services
- Insurance Summary
- Professional Consultation
- Workers Compensation Experience Modifier
- Insurance Certificates

#### Get in Contact



Hunter DeWitt Client Advisor 0: 941-400-5507 E: hdewitt@sspins.com

Strategic | Teamwork | Accountable | Resilient | Selfless

2022 C Sterling Seacrest Pritchard, Inc. | sspins.com

### **MAY FEATURED SPONSOR**

#### ALTA EQUIPMENT COMPANY

## THE TOTAL SOLUTION DEALER



## **YOUR PARTNER IN SUCCESS**



FROM EARTHMOVING MACHINERY TO COMPACT EQUIPMENT and so much more. Alta Equipment Company has the right tools for any job. With a full selection of available attachments, as well, find the functionality and capabilities in our rental inventory.

- COMPLETE LINEUP OF RENTAL
   EQUIPMENT
- USED EQUIPMENT
- NEW EQUIPMENT
- PARTS & SERVICE

#### CONTACT US TO LEARN MORE

#### **8 FLORIDA LOCATIONS**

Miami - 305-477-2442 Orlando - 407-850-9614 Davie - 954-581-4744 Ft. Myers - 239-481-8554 Tampa - 813-630-0077 Lake City - 386-758-7444 Jacksonville - 904-737-6000 Tallahassee - coming soon

