THE FLOW

Upcoming Events

<u>August 17th</u> State of the Union for Northeast Florida Utility Construction St. Johns Golf & Country Club 6:00 pm

<u>August 19th</u> 2023 Fishing Tournament Northeast Florida Marlin Association 3030 Harbor Drive, St. Augustine

See Rules on Page 10



AUGUST 2023

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PRESIDENT'S MESSAGE

Hello Fellow NUCA members,

It's August and these sizzling temperatures are no joke. I hope everyone is keeping their crews safe and hydrated during these hot summer days. Thank you to all our continuous sponsors, members and contributors that make our organization the greatest in the industry.

As expected, July was just as busy as June!! We held two successful events and received a great turnout for both. The scholarship night was held at the Aloft Hotel, where we presented scholarship awards to two outstanding students/ children representing Sunbelt Rentals and Legacy Engineering. Also, NUCA of Florida held their annual conference in Sarasota a few weeks ago with some great vendor showcases and industry forums by several of our contractor/trade partners with Ajax and McMillan & Associates.

Coming up this month of August, we have another very busy month. We will be holding our "State of the Union" event on August 17th, at the St. Johns Golf & County Club. This event will bring all 3surrounding counties (Clay, Duval and St. Johns) together along with their representatives to give us some insight on our local economy, upcoming changes and further outlook on the future of our community. All members are welcome to attend, **at no cost**, and dinner will be provided. This will be the first of its kind for our chapter, don't miss this amazing opportunity to get signed up. Further details will be coming out very soon, stay tuned to reserve your seat.

We also have our annual fishing tournament on August 19th, in St. Augustine at the Camachee Cove Marina. Bring your kids and boat for some great outdoor fun for everyone to enjoy. A lot of good prizes are on the table, so don't miss your opportunity to reserve your spot.

The Sept 21st networking event has been booked at Kickbacks Gastropub for a fresh location and a change of scenery. Make plans to come out, grab a beer from the local pub and network with our industry partners and friends.

Until next month, stay safe and stay HYDRATED!

Tim

2023 NUCA of North Florida

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CALENDAR OF EVENTS

<u>August 8th</u> Executive Committee Meeting

<u>August 17th</u> State of Union for Utility Work St. Johns Golf & Country Club 6:00 pm

August 19th Annual Fishing Tournament NEFMA St. Augustine

<u>Sept. 12th</u> Safety Director's Forum NEFSC

<u>Sept. 12th</u> Executive Committee Meeting

> Sept. 21st Board of Directors & Networking Event

The Law and Your Business

The Law and Your Business - Insurance Coverage and the concurrent

cause doctrine

Tony Zebouni, Lindell, Farson & Zebouni, P.A.

Allied and Travelers both_provided insurance policies to a construction company ("GWS"). GWS contracted with Hillsborough County, Florida, to design and build an expansion of its water reclamation facility. GWS designed and constructed concrete basins that were intended to hold water during the treatment process. As part of that project, GWS was required to perform leak tests ("Leak Test") on the basins and when it did, the water pressure damaged some of the basin's wall panels and water stops. The basins were defectively designed or constructed.

GWS sought coverage first from Travelers under its builders risk insurance policy but Travelers denied the claim because the <u>policy excluded coverage for defective design or construction</u>. By contrast, GWS's claim with Allied on its professional and pollution liability insurance policy was not rejected. Allied then, acting as GWS's subrogee, filed a declaratory judgment action, arguing that the Leak Test was a covered cause of loss and that there were two concurrent causes of the loss, to wit, the excluded and undisputed design/construction defects and the Leak Test, which contributed to the damage due to the water pressure. Allied unsuccessfully argued the Leak Test is a covered cause, under Florida's concurrent cause doctrine. The district court held that the <u>Leak Test was not independent from the defective design or construction</u> and thus there was no coverage under the concurrent cause doctrine.

Under the concurrent cause doctrine, "coverage may exist where an insured risk constitutes a concurrent cause of the loss even when it is not the prime or efficient cause. It is available when "neither peril could have created the loss alone but instead combined to create the loss" so that one "could not identify the prime, moving, or efficient cause in order to determine coverage." *Case cite omitted*.

If the normal expected use of a product, when it reveals a design/construction defect, were considered to be a concurring cause operating in combination with the excluded defect so as to nullify the exclusion, every conceivable design/construction exclusion would simply be nullified.

It is important to carefully read all the language (including riders) of any insurance policy and be mindful of any indemnification provisions in a contract/subcontract that could leave your company liable and without any insurance coverage. *ALLIED WORLD ASSURANCE COMPANY, INC., vs TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA*,

SCHOLARSHIP NIGHT HIGHLIGHTS

One of our members favorite nights of the year is when we get to recognize our scholarship winners. On July 13h, we hosted an event at the Aloft at Tapestry Park. We kicked off the night with some networking time over beverages and appetizers. We were pleased to present Zachary Jones with this year's J. Richard Baker Scholarship and Laura Ellis with the Mike Allen scholarship. Get to know our scholarship winners in separate article in this edition.

We were pleased to have Greg Voss, Chief Executive Officer at Seamark Ranch, as our guest speaker. As usual, there is a lot happening at the Ranch. They just completed the Coxwell Family Field, a wiffle ball field which is a great addition to the activities already offered at the ranch. Plans are underway to add a swimming pool as well. They continue with their agricultural program and equine therapy. Greg shared that a former resident of Seamark is now an employee in the Equine program.

Greg also brought along Jennifer, Bowmaster who is the Principal at Seamark School. Jennifer has been working on the school's accreditation. Many of the kids who come to Seamark have unique educational needs that are best met at the on-site school.

There are many ways to get involved at Seamark from the Annual Mud Run, Ranch Events, Volunteer Opportunities to financial giving. Visit the Seamarkranch.com for additional information. We will be holding our Seamark Ranch Topgolf Fundraiser on November 15th.







JONES AWARDED J. RICHARD BAKER SCHOLARSHIP

The J. Richard Baker Sr. Scholarship is given to a high school student or high school graduate who is the daughter or son of a NUCANF member company employee and will be enrolling full or part time in an academic institution of higher education or trade school, beginning this summer/fall. The enrollment may be in any curriculum for any number of years. This may be a four-year college, community college or trade school anywhere in the United States. The J. Richard Baker Scholarship is a \$3,000 one-time award.

Selection is based on the general worthiness of the application. The NUCANF Scholarship Committee considers scholastic standing, ACT and/or SAT scores, extracurricular activities, career goals, past employment, essay and thoroughness of the completed application.

This year's recipient of the J. Richard Baker Sr. Award is Zachary Jones, son of John Jones, Sunbelt Rentals and Kathryn Jones. Zachary recently graduated from Bishop Kenny High School where he had a class standing of 53 out of 308 students with a GPA of 4.235. Zach's academic honors include: National Honor Society, Latin National Honor Society, Science National Honor Society, English National Honor Society, Rho Kappa, Mu Alpha Theta and a Scholar Athlete for 4 years. Zachary has been swimming year-round for 10 years at one of the top clubs in the country. He has competed on the varsity swim team for all 4 years, competing at states for all four years. He is a United States Swimming Junior National Championship Qualifier. Zach has also been a frequent volunteer timing at swim meets, is an experience soccer referee, is a swim instructor/coach and volunteers for the Bishop Kenney Science Club.

Zachary will be attending Davidson College in Davidson, NC where he will be majoring in Biology for Pre-med.







New Safety Partnership With OSHA, Trades, Unions Signed By NUCA

NUCA signed an important agreement June 22 with several construction industry stakeholders to better protect employees who perform trenching and excavation work. The agreement between OSHA, NUCA and other trade associations and unions establishes the "Partners for Safe Trenching and Excavation Operators Alliance." The alliance will help small- and medium-sized construction businesses train and educate employees on how to prevent the four leading construction industry hazards (falls, caught-in or caught-between, struck-by-objects, and electrocution). More <u>here</u>.

Your Completed Trench Safety Stand Down Reports Are Needed

The seventh annual Trench Safety Stand Down (TSSD) held last month delivered to thousands of our industry's employees what NUCA sought: an increased attention to safety around jobsite excavations. So far, 248 companies at 1,726 jobsites trained 17,298 employees on safe working techniques around and in trenches and excavations. We need every NUCA member who held an event to let us know how many of your employees benefitted from this training. Please send NUCA your completed TSSD reports by July 28 (and your event photos, too). Helmet stickers will be going out soon--but only if we have your reports! The TSSD online reporting form is found at **nuca.com/tssd** and here.

"Made In America" Office Offers Waiver Database

The Office of Management and Budget's (OMB) "Made in America" office has compiled a database of approved or submitted waivers from "Build America Buy America" Act (BABAA) requirements. The waivers are published by OMB to make manufacturers and small business aware of purchases that require products and materials not currently available domestically, in sufficient quantity or quality. "We publish these waivers to help American businesses identify and fill gaps in the domestic supply chains," states the office's website. As of today, there are 646 waivers in the searchable database, found at **www.madeinamerica.gov/waivers**.

NUCA's Newest Membership Benefit: NUCA Choice

NUCA is proud to unveil this month our newest member benefit, NUCA Choice. FCCI Insurance Group and NUCA announced on June 1 their joint partnership for FCCI to become NUCA's preferred commercial insurance carrier. The multi-year agreement is called NUCA Choice and is offered to NUCA members where FCCI writes business. NUCA Choice will offer NUCA members commercial insurance options for auto, crime, property, general liability, marine, surety, umbrella, and workers' compensation. Members can also consult with FCCI's local risk control team and use the FCCI Risk Solutions Network, a cloud-based platform to help participants stay compliant, manage risks, and educate employees to build a safer workforce. To find out more, go to <u>NUCAChoice.com</u>.

Share The Details About Trenchless Tech Efficiency

Are you seeking to know more about horizontal direction drilling, or auger boring? NUCA's "Trenchless Construction and New Installation Methods" manual can help your estimators, engineers, and project managers recognize that trenchless technology could deliver large cost savings to your excavation projects. The 148-page, full-color illustrated manual carefully addresses and explains the most common trenchless installation methods. Buy a copy for your local planning department to introduce their staff to these cost-efficient subsurface construction methods. The manual is available exclusively from NUCA and can be ordered online at www.nuca.com/trenchlessmanual.

SAFETY NEWS

By Jeff Blomgren Safety Director at Petticoat-Schmitt Civil Contractors

Cut Off Saw Safety

Every utility construction company has specific tools to use in doing the job. Cut Off Saws are the one standard tool that comes to mind. Using one safely is the priority of every person using this type of equipment. Cut Off Saws come with a safety manual. Most of us can count on one hand the number of people who have ever read the complete manual. More often than not field training takes the place of the manual but field training is supposed to contain the safety specifics of Cut Off Saw use. Every company has had experiences where Cut Off Saws were used "Not as the manufacturer intended", the result is most likely, horrific injuries to the operator.

The basics are pretty standard. Proper PPE includes gloves, steel toe boots, hard hat, face shield, safety glasses, and hearing protection. Read and follow all manufactures instructions. Use blades rated for the cut to be made. Fuel mix as described, inspect before use (every time the saw is used). Never alter any safety device. Dust reduction techniques must be in place. Do not carry the saw while the engine is running. Stop the engine before setting the Cut Off Saw down. How many of us remove the blade when transporting the saw in a truck or when putting it away? That's a recommendation. Fueling includes never fueling a hot saw. Fuel on level ground. Never drop start a Cut Off Saw. Start the saw on level ground and be sure you have firm footing. If you are cutting in a confined area, carbon monoxide is a significant hazard. Avoid all instances where pinch points and kickbacks may be a hazard to the operator. Reactive forces may occur whenever the wheel is in motion. Any time the blade contacts an object the blade could slow or stop causing loss of control. Being aware of the type of material, the position of the blade, the possibility of a kink while cutting, are all possible reactive force initiators.

These are just a few of the suggestions taken from 50 pages of a Cut Off Saw safety manual. Cut Off Saw training should include references to the safety manual and should be mandatory for every person using one.

ELLIS AWARDED MIKE ALLEN SCHOLARSHIP

The Mike Allen Scholarship is given to a high school student, High School graduate, Undergraduate College Student or Graduate Student who is the daughter or son of a NUCANF member company employee or a member company employee and is enrolled or will be enrolling full or part time in an academic institution of higher education this summer/fall. The enrollment may be in any curriculum for any number of years. The Mike Allen Scholarship is a \$3,000 one-time award.



Selection is based on the general worthiness of the application. The NUCANF Scholarship Committee will consider, scholastic standing, extracurricular activities, career goals, past employment, essay and thoroughness of the completed application. Special consideration will be given for those pursuing degrees in construction related fields.

This year's recipient of the Mike Allen Award is Laura Ellis, daughter of John Ellis II, Legacy Engineering, Inc. and Rhonda Ellis. Laura graduated Summa Cum Laude with a GPA of 3.9 from the University of Florida in May of 2022 with a Bachelors of Design in Architecture. She was named to the Presidential Honor roll in 2022 and was on the dean's list every semester. Laura was DCP Ambassador from 2018-2022 and was a Mentee, Mentor & Competition Team of the National Organization of Minority Architecture Students 2018-2022. She participated in UF Intramurals from 2018-2022 serving as team captain in basketball, soccer, volleyball, and flag football. She also received a variety of

scholarships from Architecture Construction Engineering Mentor Program Scholarship Program, 2017 to Society of American Military Engineers Scholarship 2020-2022 to the NUCA D.A. Foster Memorial Scholarship 2028-2022 and more. Since graduating, Laura has been working in Atlanta as an Architectural Designer at Cooper Carry. Previously, she had an architectural internship at Haskell in 2021. Laura is involved in the Young Professional Designers where she has lead and created events for young professional designers in the Atlanta area. She has studied in Brazil, Japan, Italy and traveled on mission trips to Port-Au-Prince, Haiti, Boston, Atlanta, Miami, Tampa, Jacksonville and Washington, D.C. Laura has traveled to 22 countries and speaks several languages. She will be attending The University of Pennsylvania to obtain a Masters Degree in Architecture.

2023 NUCANF FISHING TOURNAMENT RULES

There is no check-in before tournament. Check in at Weigh-in to receive your t-shirt and hat. You can fish anywhere and bring your catch to the weigh-in in St. Augustine.

- 1. ALL PARTICIPANTS MUST FOLLOW THE FLORIDA RECREATIONAL FISHING REGULATIONS.
- ALL VESSELS MUST MEET AND FOLLOW U.S. COAST GUARD REGULATIONS, OR BE SUBJECT TO DISQUALIFICATION.
- 3. ANGLERS MAY USE ARTIFICIAL, LIVE OR DEAD BAIT.
- 4. ALL FISH MUST BE CAUGHT ON ROD AND REEL.
- 5. IN CASE OF A TIE IN WEIGHT, THE FISH WEIGHED IN FIRST WILL BE DECLARED THE WINNER.
- 6. PARTICIPANTS MAY KEEP THEIR CATCH.
- 7. TO BE ELIGIBLE TO WEIGH IN FISH FOR PRIZES, A REPRESENTATIVE FROM EACH BOAT MUST BE IN THE CHECK IN LINE AT THE TOURNAMENT SITE BY 2:30 PM.
- THE WEIGH IN STATION WILL OPEN AT 1 P.M. AND CLOSE AFTER ALL ANGLERS THAT WERE IN THE CHECK IN LINE AT 2:30 HAVE BEEN WEIGHED.
- 9. NO LINES IN THE WATER BEFORE FIRST LIGHT OR AFTER 2:30 P.M.
- 10. DECISION OF THE JUDGES IS FINAL.
- 11. WE ENCOURAGE ALL ANGLERS TO PRACTICE CATCH AND RELEASE FOR FISH THAT ARE NOT TO BE WEIGHED IN.

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
- RED FISH
- FLOUNDER
- ALL OTHER SPECIES

A SEPARATE PRIZE WILL BE AWARDED TO THE ANGLER WEIGHING IN A LEGAL REDFISH WITH THE MOST SPOTS ON ONE SIDE OF THE FISH. IN CASE OF A TIE IN THE NUMBER OF SPOTS, THE HEAVIEST FISH WILL BE DECLARED THE WINNER.

A TROPHY WILL BE AWARDED TO THE CHILD (13 AND UNDER) WITH THE HEAVIEST LEGAL FISH. ANY KIDS WHO WEIGHS IN A LEGAL FISH WILL BE ELIGIBLE FOR A RAFFLE DRAWING FOR A SPECIAL PRIZE.

A FISHING DIVA AWARD WILL BE AWARDED TO WOMEN ANGLER WEIGHING IN THE HEAVIEST LEGAL FISH.

EACH ADULT ANGLER WHO WEIGHS IN A LEGAL FISH WILL BE ELIGIBLE FOR A RAFFLE DRAWING FOR THE GRAND PRIZE.

KRYNICKI WINS GARY D. SAWYER AWARD

Each year at the NUCA of Florida Conference, Performance Awards are presented to an outstanding Contractor, Association and Board Member. The Gary D. Sawyer award is presented annually to an associate member or employee of a member who has made a significant contribution, on the **local and/or state level**, to the industry and/or association. Chapters across the state each nominate members and a committee reviews the nominations and selects the winners. Our chapter nominated Valinda Krynicki and she was selected from the nominees as the winner.

Valinda has been an active member of NUCA of North Florida for the last 8 years attending meetings and events and has served in recent years on the Board of Directors and Co-Chair of our membership committee. Valinda has worked for as long as anyone can remember at registration for our golf tournament, Weigh-in for our fishing tournament and at registration for our Clay shoot. She is the first to ask at any meeting if any help is needed. Last year, our Executive Director missed a meeting due to the upcoming birth of her grandson. Valinda assisted with the minutes from the meeting and took care of putting out all the signage for the event. We knew that things would run smoothly because Valinda would take care of it. Valinda has been an active member of our quarterly Safety Director's Forum and has been the lead for our Trench Safety Stand Down for the last few years. Last year, she organized the kick-off event which was held at URTS and worked with our Jacksonville Fire & Rescue Department to have the Trench Rescue crew come and be our guest speakers. She provided materials to our members and scheduled site visits to talk with crews. She has been a great asset to our membership committee helping to recruit new members using her vast list of industry contacts. In addition, she has worked with our Next Man Up program teaching and hosting the Trench Safety Class. The class was so popular that we had to have two sessions.

We are thrilled that Valinda has been recognized for all she has done for our association. Next time you see Valinda be sure to congratulate her!



(l to r) Kevin Rowland, Contractor Winner, Valinda Krynicki, Associate Winner, Clark Cryer, Board Member Winner.



NUCA of FLORIDA CONFERENCE HIGHLIGHTS

Thursday started off with committee meetings and Board of Directors meeting followed by a Welcome and Networking reception. Friday was a very busy morning with a breakfast with the exhibitors followed by a Inside Scoop presentation on OSHA enforcement Protocols with Alan McMillan from McMillan & Associates. Vince Hafeli, President, Ajax presented on Mental Health Awareness & Suicide Prevention in the Construction Industry. It was an eye opening presentation. We are hoping to have Vince come and d a presentation locally in our chapter. It is something that everyone needs to hear and think about brining to their company. Kari Hebrank did a presentation on 2023 Legislative Update with new laws affecting public construction, lien law, immigration and local licensing. The meeting were followed by an awards luncheon which included the swearing in of the Officers and Board of Directors, and presentation of the Performance Awards and the Joe Antico Community Service Award. After enjoying a free afternoon, attendees gathered for a happy hour with exhibitors and a kids scavenger hunt along with time to bid on the silent auction items and purchase tickets for the raffle baskets. Saturday was a free day. There was a cocktail reception where the Andrew Scott Johnson Memorial Scholarship was presented. The "Putting on the Ritz" Dinner followed .

A big thank you to Kari Hebrank and her staff for putting on a great conference as well as the NUCA of Florida Conference Committee! Make your plans to attend next year's conference at the Hyatt Regency Coconut Point, Bonita Springs, July 11 to 13th.



NUCA OF FLORIDA CONFERENCE PHOTOS



NEW MEMBER SPOTLIGHT



GLOBAL INNOVATIONS. LOCAL EXPERTISE.

Reeves Construction Company is a regional leader in infrastructure improvements, performing in excess of \$300 million in work annually across the Southeast and Midwest.

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RECORD-BREAKING TRENCH SAFETY STAND DOWN

With the final numbers still not tallied, we have reached record breaking numbers for our Trench Safety Stand down. So far this year, we had 429 companies participate across 2,105 jobsites with over 23,070 participants. Thank you, Thank you, Thank you to everyone who participated!

By reaching as many workers as possible we can reduce the number of fatalities and serious injuries that occur each year in our industry, and make others, such as municipal and industry workers who are also exposed, aware of these serious hazards. Thank you for helping us spread the message. This is not a message to be communicated during Trench Safety Stand Down but all during the year.

This year was the seventh annual Trench Safety Stand Down (TSSD), generously sponsored this year by NUCA National Partners United Rentals and Sunstate Equipment Co.



A.J. Johns Inc. conducted tailgate trainings for all their Pipe Crews which included 9 job Sites and 47 employees.



Vallencourt brought their pipe crews inside for some food and education.





FALL CONVENTION & EXHIBIT OCTOBER 25-28, 2023

Building Your Business

Naples Grande Beach Resort | 475 Seagate Drive | Naples, Florida

Generously Sponsored By Our National Partners

NUCA is heading back to the relaxing Naples Grande Beach Resort in Naples, Florida, for our 2023 Fall Convention & Exhibits. Our favorite hotel in Naples is the perfect place to chill out—and build your business through our many educational seminars and sessions.

Engaging networking events

A FT O 111

- Our fun Welcome Reception & Duck Races—Sponsored by United Rentals
- Thought-provoking educational and roundtable sessions
- · Exhibits with our National Partners
- Committee meetings investing in NUCA's future
- Exciting team building event—Sponsored by Caterpillar
- 4th Annual CEO Bobble Head Gold Tournament
- Spooktacular Halloween Costume Party & Live Auction—Sponsored by John Deere

Come to Florida & Enjoy Your NUCA Membership!

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Keynote Speaker

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Registration is Now Open! Online registration closes October 20, 2023

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