# THEFLOW

# **Upcoming Events**

Oct. 5th
Next Man Up Materials
Testing Class
ECS Florida
6:00 pm
(Class is full)

Oct. 12th & 13th

NUCA of Florida

President's Cup

Innisbrook Golf Resort & Spa

Oct. 25th to 28th

NUCA Fall

Conference & Exhibit

Naples Grande Beach Resort

Nov. 7th
Clay Shoot
Jacksonville Clay Target Sports
Information on pages 12 & 13

#### OCTOBER 2023

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# 2023 OFFICERS & BOARD OF DIRECTORS EXECUTIVE COMMITTEE

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Drew Lane, Advanced Drainage Systems
Chance Leonard, ECS Florida
Rick Parker, Rinker Materials
Ryan Pugh, Ferguson Waterworks
Dean Vanzant, A. J. Johns, Inc.
Barry Watson, Fortiline Waterworks
Chris Wilson, Martin Marietta Materials
Jon Woodall, John Woody, Inc.

#### **PRESIDENT'S MESSAGE**

Hello Fellow NUCA members,

Happy fall Y'all.....I am ready for some cooler weather. Thank you to everyone for all the support of our monthly sponsors and continuous donors. We could not do what we need without your continuous giving, a huge thank you goes out to all.

In September, we had a good turnout for our networking event at Kickbacks Gastropub. Great local beer and laughs were enjoyed. We got to catch up with our members, discuss items with vendors/ suppliers and meet some new faces.

October will start to ramp up for our fall activities. We are holding our Next Man Up class on the 5<sup>th</sup>, at ECS's facility to learn Materials Testing. The state chapter is holding their Presidents cup at Innisbrook Golf Resort the 12<sup>th</sup> and 13<sup>th</sup> down in Palm Harbor. The famous and heavily attended Clay Shoot is just around the corner on November 7th so get your tickets and sign up now. We are also in full swing for our membership drive, so put a word out, talk us up and keep bringing in some fresh blood…lol. The more our member base grows the more influence we have on bettering our industry.

Keeping it short and sweet this month. Talk to someone that isn't as familiar with NUCA, bring them to an event and help us grow our network. If there is one thing I have learned since being involved with NUCA, it is not how much or what you know, it is truly who you know. Most of us can perform the work just the same as our peers, but the connections along the way make all the difference in times of need. We will all be in a position at one point in our career, where you need help from the outside. I would feel much more confident calling on a NUCA friend than anyone else. We are here to help, hopefully provide some guidance and be a trusted friend.

See you in a few weeks,

Tim

# 2023 NUCA of North Florida

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Rinker Materials

### **CALENDAR OF EVENTS**

# **Upcoming Events**

Oct. 5th
Next Man Up
Materials Testing Class

Oct. 10th

Executive Committee Meeting

Oct. 12th & 13th
NUCA of Florida
Board Meeting &
President's Cup Golf
Innisbrook, Palm Harbor

Oct. 25th to 28th
NUCA Annual
Convention & Exhibit
Naples Grande

Nov. 7th
Clay Shoot
Jacksonville Clay
Target Sports

Nov. 15th
Top Golf Benefit for
Seamark Ranch
6:00 pm

# The Law and Your Business

# The Law and Your Business – Sovereign Immunity Tony Zebouni, Lindell, Farson & Zebouni, P.A.

A recent case involved the potential liability of a City for an alleged negligent design of a bike lane. A biker was struck by a motor vehicle while cycling in a bike lane between the traffic lanes of West Cleveland Street in Tampa. The biker sued the City. The City maintained that the design of the bike lane, was a planning-level decision for which the City is immune from suit.

Liability against a governmental entity in Florida cannot be imposed when the government exercises its discretionary, planning-level function; however, operational-level decisions are not so immune. The separation-of-powers provision present in article II, section 3 of the Florida Constitution requires that certain [quasi-legislative] policy-making, planning or judgmental governmental functions cannot be the subject of traditional tort liability.

When a governmental entity creates a known dangerous condition, which is not readily apparent to persons who could be injured by the condition, a duty at the operational level arises to warn the public of, or protect the public from, the known danger. The failure to so warn of a known danger is a negligent omission at the operational level of government and cannot reasonably be argued to be within the judgmental, planning-level sphere.

The failure to fulfill this operational-level duty is a basis for an action against the governmental entity for which it does not enjoy immunity from suit and liability. The case suggests that the City should have posted warning signs that would warn motorists and bikers of the danger associated with the bike lanes on West Cleveland St.

CITY OF TAMPA v. DWAYNE FREDRICK & PAULA FREDRICK,

#### UNITED RENTALS PROVIDES TABULATED DATA PRESENTATION

We were pleased to have Joe Wise from United Rentals as our guest speaker at our September Safety Director's Forum Meeting. Joe did a presentation on Manufacturer's Tabulated Data for Trench Shields. The presentation focused on what it is, and why it's important, followed by guidelines of how to assemble trench shields. Rick Childress, a training specialist with United Rentals was also in attendance as was Valinda Krynicki and Taryn Prevoznak from our local United Rentals Trench Safety Office. There was a Q & A session after the presentation. If you would like a copy of the presentation, click here. Thank you to our friends at United Rentals for the great presentation!



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The company is a licensed Underground Utility and Excavation Contractor specializing in private, government, and municipal work. JWI has completed projects throughout Florida and the southeastern United States.

JWI is a family owned business. It is the family bond and willingness to do whatever it takes to get the job done that has made this company successful.

JWI is proud to be long time members of NUCA, NUCA of Florida, and NUCA of North Florida.



#### Congress Returns To Work, Virtual Nov. 8 Washington Summit Announced

Congress this week returned for its fall legislative session, with this industry's FY2024 water infrastructure funding still unresolved. The Senate will begin passing its first FY2024 appropriations bills next week, according to Senate Minority Leader Mitch McConnell's (R-KY) office. It is anticipated this fight will go on all fall.

NUCA is taking action on a variety of fronts to address our infrastructure needs--and we need you to be a part of our advocacy campaign! Please send <u>our Muster letter to your lawmakers</u> urging them to restore this funding to the final FY2024 appropriations bill. We're also going to hold a virtual Washington Summit on Wednesday, Nov. 8 with lawmakers, with your Chapter scheduling online virtual meetings with your Congressional delegation. Look in your inbox for more information about this virtual event coming to you in the weeks ahead.

#### **Davis-Bacon Changes Effective October 23**

The U.S. Dept. of Labor issued a <u>final rule</u> on August 23 making its controversial revisions to the Davis-Bacon Act part of federal law. The rule, "Updating the Davis-Bacon and Related Act Regulations," reverses several much-needed reforms established during the Reagan Administration and dramatically expands the scope and reach of the Davis-Bacon Act, a cumbersome 1930s-era prevailing wage law. The new wage regulations, which will take effect on October 23, 2023, will increase the regulatory burden on small business and the costs of public work projects.

NUCA opposed this change to long-standing Davis-Bacon practices when they were proposed earlier this year by the Biden Administration. Several pro-business and construction organizations are expected to file legal challenges to the new rules.

#### "Build America, Buy America" Final Implementation Guidance Released

On August 14, the Office of Management and Budget (OMB) issued long-awaited final guidance on the implementation of the Build America, Buy America (BABA) Act provisions of the 2021 core infrastructure law. BABA imposes Buy America preferences on certain "construction materials" used in federally funded infrastructure projects.

The final guidance updates the list of construction materials subject to BABA to include "engineered wood." The final guidance also updates the specific manufacturing processes that must be performed in the United States in order for particular categories of construction material to be considered "produced in the United States." Consistent with earlier guidance, OMB's guidance states that an item should not be considered to fall into multiple categories of manufactured products. An item should only be classified as either an iron or steel product, a construction material, or a manufactured product.

#### Safety Pros: Attend The Safety Damage Prevention Conference, Jan. 25-26, 2024

NUCA's annual Safety Damage Prevention Conference offers a unique opportunity for members involved in safety and damage prevention to hear from experts on a wide variety of topics that impact the industry, and network with others from across the country. This conference also provides an opportunity to address and strategize how members can better navigate complex damage prevention issues. If you're an industry safety professional, mark your calendars for January 25-26, 2024, held at the Hyatt Centric French Quarter hotel in exciting New Orleans.



# SAFETY NEWS

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

### It's Not Easy Being Green

I was recently asked, "What is the biggest safety issue that you face?". I had to think about that for a minute because the management of risk is never over. There is an element of risk in everything we do. Whether it's work or play, risk is everywhere. I began to ask myself, Is there a specific issue that appears most frequently that results in an impact on the area of risk? I found that we can identify an area that fit that criteria. It's new employees. The first year of employment is a surprisingly dangerous period. One third of non-fatal injuries occur to employees who have been on the job less than a year. A quarter of those injuries are frequently serious, resulting in lost time of more than a month. The first 90 days are the most dangerous because new workers have a huge knowledge gap that increases their chances of getting hurt. What about experienced new hires? New hires with experience still meet the same risk criteria because they must learn the culture and working environment unique to every company. They may bring with them, bad habits that have been learned that need correction. We may be in the same kind of business, but we all have different ways of going about it. That creates a learning gap that that must be filled, and that gap statistically takes about six months to fill.

The question then is, how do we work to eliminate or minimize the risk to these new employees? We can focus on lifesaving rules. Things that exist that can be a hazard to the worker. The first stage is an effective orientation. Many times, we rely on field workers to spend time training new employees. While that is an effective and vital function, it doesn't always equip the new employee with a sense of their own personal safety or a clear understanding of the work environment. An effective orientation includes an overview of the kind of work being performed. This can be done through classroom and hands on functions. Videos, tests, lectures, and interactive discussion can provide an overview of the functions and culture of the company. If there is a means of identifying the new employee to make them visible to existing employees, such as a green hard hat, that is going to be helpful in assimilation because it identifies the employee who may need coaching and mentoring. Establishing a site mentor to help a new employee to become a safe and contributive member of the crew, is very helpful, however, the selection of the mentor is critical. Choosing an experienced co-worker who is willing to take on the responsibility of mentoring adds value to the process.

We all need employees. We can't exist without a team of people rowing in the right direction. We also need to train those new employees and equip them to be able to make a safe and effective contribution to the process.

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#### APPLICATIONS AVAILABLE FOR 2024 BOARD OF DIRECTORS

The Nomination Committee of NUCA of North Florida is accepting applications for the 2024 Board of Directors. You can obtain an application by <u>clicking here</u>. Deadline to submit your application is October 13th.

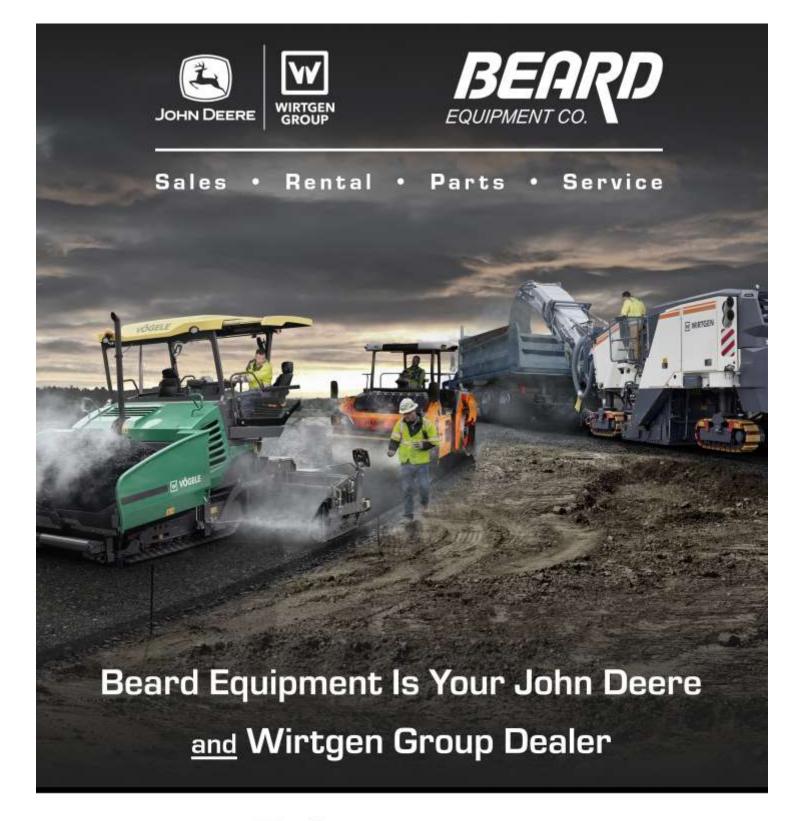
The board meets every other month usually on the third Thursday from 4:30 pm to 6:00 pm. Additional special meetings may be called if necessary. NUCANF has a number of committees. Board members, once elected, are encouraged to promote NUCA of North Florida (NUCANF), our State Association, NUCA of Florida,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

Voting for the election of the 2024 Officers and Board of Directors will take place via email. A ballot will be emailed on November 7th. Only one vote per member company.



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8:30 AM	Safety Briefing	11:30 AM	Lunch
9:00 AM	Shotgun Start	12:30 PM	Safety Briefing
11:30 AM	Lunch	1:00 PM	Shotgun Start

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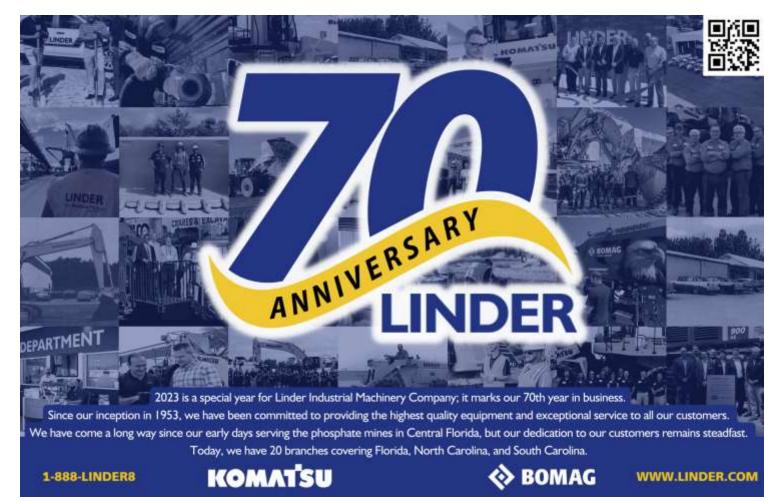
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FALL CONVENTION & EXHIBIT OCTOBER 25-28, 2023

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

#### **NUCANF HOSTS NETWORKING EVENTS AT KICKBACKS**

We headed to Kickbacks Gastropub for a Networking event this month. Our event was held in the Belgium Basement where guests were treated to some adult beverages as well as chicken wings, southwestern egg rolls, and skewers of Mahi and jumbo shrimp wrapped in bacon and topped with datil pepper relish. It was a unique place to have an event with a lot of character. It was great to see some members that we have not seen at a meeting in a while as well as our usual attendees.













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

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

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

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