

THE FLOW

OCTOBER 2022

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October 6th & 7th
NUCA of Florida
President's Cup Golf
Hammock Beach
Ocean Course

November 8th
Sporting Clay Challenge
Morning & Afternoon Shoots
Registration & Sponsorship
Information on
Pages 12 & 13

November 17th
Top Golf Fundraiser for
Seamark Ranch



2022 OFFICERS & BOARD OF DIRECTORS

EXECUTIVE COMMITTEE

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Joe Geiger, Cemex

Billy Hood, J. B. Coxwell Contracting

Valinda Krynicki, United Rentals

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.

PRESIDENT'S MESSAGE

Dear Friends,

Hello Fall! We made it to the 4th quarter! I hope you all are doing well! As always, please support our members and sponsors. Without them, we would not be nearly as successful as we are.

On September 22nd, we held a Legislative Night with some of our local legislators. I'd like to thank Rep Elect Kiyan Michael, Rep. Tracie Davis, and Senator Audrey Gibson for coming and spending some time with our membership! Rep. Davis and Rep. Elect Michael were both issued campaign contributions from NUCA of Florida. Meeting your local legislators is one of the most important things that we can do for our industry. It helps them put names to faces and organizations, and gives you an avenue to approach any problem that you may be having legislatively. If you missed out on meeting these legislators, you can still support them, and all of the other candidates/legislators that NUCA of Florida endorses. You can donate to the NUCA of Florida Advocacy Fund, or participate in the Bidding for Benjamins program; \$100 from every bid won to the advocacy fund. Really simple, and every little bit helps our case in Tallahassee and here with our local politicians.

Our first installment of the Next Man Up program on Shoring, Dewatering, and Pipe Plug safety was such a huge success, that we scheduled a second class for October 13th! It will be held at the United Rentals Trench Safety Office off of Phillips Highway. Space is limited so make sure you get your people signed up quick! On October 6th and 7th, NUCA of Florida will be holding the Presidents Cup at Hammock Beach. We get to play the Ocean Course on Thursday, so y'all get signed up and come have some fun while supporting NUCA of Florida's advocacy efforts. Our annual Clay Shoot will be held on Nov. 8th. Ammo is included with your registration, and we will have a morning and afternoon shoot. And last, but not least, we will be holding our annual Top Golf event supporting Seamark Ranch on November 17th. The year is winding down fast!

Once again, thank you to all of our sponsors and members. We truly are blessed to have such a great group supporting NUCA of North Florida. If there is anything that I can do to help you or your business out, don't hesitate to contact me.

Sincerely,

Mike

Mike Kivlin

Linda Daniels
& Associates, LLC

Linda Daniels, CCIM

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100 Center Creek Road
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2022 NUCA of North Florida

Monthly Sponsors

Diamond Sponsor

United Rentals
Trench Safety
Fortiline Waterworks
Sunbelt Rentals

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Beard Equipment Company

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Alta Equipment Company
Forterra Pipe & Precast
Nimnicht Chevrolet

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

October 6th & 7th

NUCA of Florida
President's Cup Golf &
Board of Directors Meeting
Hammock Beach Resort & Spa

October 13th

Executive Committee Meeting

October 13th

Next Man Up
Shoring, Trenching & Pipe Plug

November 1st

Executive Committee Meeting

November 8th

Sporting Clay Challenge
Jacksonville Target Sports

November 17th

Top Golf
Fundraiser for
Seamark Ranch

January 19th

BOD & Annual Meeting
St. Johns Golf & Country Club

The Law and Your Business

The Law and Your Business – Accord and Satisfaction *Tony Zebouni, Esq. NUCA NF General Counsel*

It is important to know the consequences of tendering and receiving a partial disputed payment.

In a recent case, a contractor, working various projects on a “Master Contract” submitted a request for final payment. The Owner responded with several checks plus submission of a reconciliation report to final payment that supported a lower payment amount. The contractor deposited the two checks and then sued the Owner for the unpaid balance. The contractor was not successful because the Court held that acceptance of the and deposits of the checks **with** the reconciliation report constituted an “accord and satisfaction”

An accord and satisfaction results when: (1) the parties mutually intend to affect a settlement of an existing dispute by entering into a superseding agreement; and (2) there is actual performance in accordance with the new agreement.

The Florida Supreme Court has held that “when a claim in controversy is open and unliquidated and the party to whom it is due accepts payment in full it will operate as an accord and satisfaction *even though the party to whom paid declares that he takes it only in part satisfaction.*”

The language used by the parties in a transaction is crucial to the creation of an accord and satisfaction. An accord and satisfaction results as a matter of law only when the creditor accepts payment tendered on the expressed condition that its receipt is deemed to be a complete satisfaction of a disputed issue. If a creditor does not assent to the condition, then the proper course of action is to return the check(s).

A creditor's acceptance of payment results in an accord and satisfaction where the **check itself or an accompanying writing expressly indicates that the check constitutes payment in full of the debtor's obligations.**

CONSTRUCTION CONSULTING, INC., v. THE DISTRICT BOARD OF TRUSTEES OF BROWARD COLLEGE

2022 FISHING TOURNAMENT RESULTS

We had a hot day with a few showers for our tournament this year at the Northeast Florida Marlin Association in St. Augustine on August 27th. Grill Billy's provided a wonderful BBQ of brisket, hot dogs and pulled pork. Kim Bryan, Petticoat-Schmitt Civil Contractors and her daughter Riley helped out filling out weigh-in cards, handing out door prizes and with the clean-up. Our fishing Chairman, Ashton Milam, United Rentals Fluid Solutions, was our announcer and gave out the door prizes and awards. Congratulations to the winners of this year's tournament.

REDFISH

1st Place, Al Rios, 6.68 bs
2nd Place, Robin Thigpen, TB Landmark 6.27 lbs
3rd Place, Ryan Pugh, Ferguson Waterworks 5.83 lbs

FLOUNDER

1st Place, Robin Thigpen, TB Landmark , 6.53 lbs
2nd Place, Stacey Gilber, Atlantic Site Marine, 2.84 lbs
3rd Place, Tyler McKay, United Rentals, 1.87 lbs

KINGFISH

1st Place, Bill Jacobi, Komatsu 37 lbs
2nd Place, William Rios, T.G. Utility, 20.9 lbs
3rd Place, Bobby Prevatt, Coleman Construction, 19.27 lbs

OTHER SPECIES

1st Place, Davis Dewitt, Jack Crevalle, Ring Power, 8.19lbs
2nd Place, Shane Perez, Black Drum, United Rentals., 6.18 lbs
3rd Place Ashton Milam, Black Drum, United Rentals Fluid Solutions, 4.81 lbs

SEA TROUT

1st Place, Kelsey Cox, Vallencourt, 1.58 lbs
2nd Place, Woody Hinson, Coastal Utilities Constructors, .93 lbs

KID'S TROPHY FOR THE LARGEST FISH & KID'S PRIZE WINNER

Mark Gowen, Cecil W. Powell & Co.,

GRAND PRIZE WINNER

Tyler McKay, United Rentals

FISHING DIVA

Stacey Gilber, Atlantic Site Marine

REDFISH MOST SPOTS

Bobby Prevatt, Coleman Construction

NOMINATIONS FOR 2023 BOARD OF DIRECTORS

The Nomination Committee of NUCA of North Florida is now accepting applications for the 2023 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 14th.

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, 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 2023 Officers and Board of Directors will take place via email. A ballot will be emailed on November 7th. Only one vote per member company.



FISHING TOURNAMENT RAFFLE PRIZE WINNERS

Congratulations to this year's raffle prize winners:

\$500 Gift Card	David Clarke, United Rental Trench Safety
Rinse Kit	Scott Swain, Coastal Utility Contractors of Jax
Firepit	Josh Messick, Synergy Equipment
Milwaukee Speaker	Nate Harvey, Synergy Equipment
Surf Board	Nate Harvey, Synergy Equipment



NUCA's All New Safety & Damage Prevention Conference: Nov. 17-18 in Denver, Colorado

The Safety/Damage Prevention Conference offers the unique opportunity for safety management to hear from industry experts on a wide variety of topics that impact the industry and network with other utility construction safety managers from across the country. This conference also provides an opportunity to address and strategize how members can better navigate complex damage prevention issues in our industry. Speakers include Aaron Witt of WittBuilder, Kirk Blomgren of Petticoat-Schmitt, and John Olachea of OSHA. [Click here](#) to learn more, download the complete speaker list, and register for the event, or go to nuca.com/sdpc.

Member Benefit Alert - Prepare Your Listing for the Annual Buyer's Guide!

All NUCA Members who have categories on their online profile are listed in the Online NUCA Member Directory. Associate Members are also listed in the NUCA Buyers Guide issue of Utility Contractor. To ensure that your listing is up to date for the November/December issue, please log into your NUCA Member Dashboard by visiting www.nuca.com. Please note: Members without categories selected may not be included in both the Buyer's Guide and the nuca.com online directory, so make sure your organizations information is up to date--don't miss out on potential business referrals! Review your information before Oct. 31. For questions about logging in or your NUCA membership benefits, please contact director of member benefits Lauren Hensley at lauren@nuca.com.

Are You A Part Of The NUCA-STAR Company Safety Program?

Safety is the utility construction industry's first priority. It is also the top priority of NUCA. To help our members reach that goal, NUCA introduced this summer the NUCA Safety, Training, Awareness and Recognition (NUCA STAR) Program. The NUCA STAR Program was developed by the association's Safety Committee to help evaluate, update, and recognize a member company's safety program and practices. NUCA members who volunteer to participate should see lower incident rates and accidents on their jobsites and in their company facilities. There is no cost to NUCA members. More at nuca.com/nucastar.

Do You Have Enough Leaders? NUCA's Essential Skills for Crew Leaders

NUCA's Essential Skills for Crew Leaders Training is a two-day, intensive course that trains your employees to be effective leaders and communicators so they can provide clear direction to your crew, and plan and schedule the crew's work to maximize safety, production, and profit. With all the necessary hiring coming up for new infrastructure projects, now is a great time to prepare by ensuring your veteran employees are ready to run your new crews. Find out more at nuca.com/crewleader, or contact NUCA's [Mike Flowers](#) for more information at mike@nuca.com.

NUCA Careers Website Open For Your Business: Post-Interview-Hire!

NUCA Careers is a premier online career resource connecting employees to the utility construction and excavation industry's talented professionals. Take advantage of your NUCA membership by posting your open jobs with NUCA Careers and tap into a concentrated talent pool of industry professionals at a fraction of the cost of online or local ads. Search the database, complete your employer profile, and let the resumes come to you. Visit online our website careers.nuca.com to learn more about this NUCA service.

SAFETY NEWS

By Jeff Blomgren
Safety Director at Petticoat-Schmitt Civil Contractors

Regulations vs Standards – What’s the differences? Are they “Laws”?

Ancient history affects our lives every day. If you slept through your Ancient History class, WAKE UP!

In the mid-1700s BC, Hammurabi, the king of Babylonia, established 282 rules to provide standards of behavior and regulate interactions between his subjects. He set fines and punishments to meet the requirements of the law. This was the first written evidence in history of rules of conduct or, “Law” as we know it. The intent of the early law was to establish rules of conduct to ensure order and the safety and equal treatment of Hammurabi’s subjects. However, we also know that this set of laws was known as “The Eye for an Eye” laws.

Today we operate as an industry under the Occupational Safety and Health Administration established by the US Government in 1971 and the agency was called OSHA. OSHA likes to call their rules “Standards” and not “Regulations”, when in fact they command the force of law. There are fines and penalties assessed when the intent is to carry out the legislation in the area of jurisdiction. In layman’s language, rules are rules and no matter what you call them, if they contain penalties assessed by a government agency, and there are penalties attached to violations, they are “Laws” and you must comply. There is no intent to draw any similarities between the two sets of laws or administration of those laws. The intent is to show that rules and laws are as ancient as history and recognized as a necessity of life.

We’ve come a long way from Hammurabi and his 282 “Eye for an Eye” rules. We’ve worked through Jack Sparrow and the Pirate’s Code and to where we are today with laws established to regulate behavior and designed to protect civilization. Think about it. What would our lives be like with no rules? There are people in this world we live in that say we have too many rules. They claim that we don’t need any rules at all but that’s impossible. That’s how wars begin. While too many rules can be true in some cases, and there can be bad rules, the majority of us, agree or not, know that rules and laws are intended to preserve and protect. They are laws we must live by. We just need to know what they are.



WELCOME NEW MEMBERS

Please join me in welcoming the following companies who recently joined our association.

Windham & Windham Utilities, LLC

Contact: Jeffrey Windham, Manager

PO Box 441

Crescent City, FL 32112

Phone: 386-972-9065

Email: jeffreywindham@windhamutilities.com

**Business: Excavation, Site Development, Sewer/
Water Construction**

**Referred by: Valinda Krynicki,
United Rentals Trench Safety**





NUCA★STAR

SAFETY TRAINING AWARENESS RECOGNITION

All NUCA members want to send its workers home safely every night. By participating in the NUCA STAR program you can reach those safety goals and raise the bar on safety best practices in the utility construction industry over time.

The STAR Program has been developed as a tool to aid NUCA members in evaluating, updating, and recognizing their safety program and practices. Companies who volunteer to participate in the evaluation process should see lower incident rates and accidents across the board.

KEY EVALUATION AREAS

Leadership + Culture + Procedures + Records & Database Management

For more information contact:

Mike Flowers - Director of Safety, Education, & Training

mike@nuca.com | #703.358.9300

www.nuca.com/nucastar

www.nuca.com | #WeDigAmerica | #WeDigSafety

FISHING PHOTOS





11TH ANNUAL SPORTING CLAY CHALLENGE

TUESDAY, NOVEMBER 8, 2022

JACKSONVILLE CLAY TARGET SPORTS

12125 NEW BERLIN ROAD

COST: \$700* FOR TEAM OF FOUR WITH AMMO

***\$800/TEAM AFTER OCT 14TH**

MORNING SHOOT		AFTERNOON SHOOT	
7:30 AM	Registration	11:00 AM	Registration
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

Awards ceremony immediately following afternoon shoot.

SHOOTING PREFERENCE: Morning _____ Afternoon _____

Will you be providing your own golf cart? _____ Yes _____ No

Company Name: _____ Your name: _____

Phone: _____

Team Members: Please provide name and indicate 12 or 20 gauge shells for each shooter. We will provide 100 shells per shooter. These are the only gauge shells available.

#1 _____ 12 _____ 20 #2 _____ 12 _____ 20

#3 _____ 12 _____ 20 #4 _____ 12 _____ 20

Payment: _____ Check (NUCANF) _____ Bill my account _____ Charge credit card*

Visa/MC/AX: _____ Exp Date: _____ V-Code: _____

(The V-Code is the last three digits in the signature strip on the back of the credit card (Visa/Mastercard) or the digits on the front on the card for American Express.

Name on card: _____ Billing Zip Code : _____

***A 5% processing fee will be added to all credit card charges.**

Mail with payment to:

NUCANF, PO Box 16810, Jacksonville, FL 32245 or email to nucanf@gmail.com



11TH ANNUAL SPORTING CLAY CHALLENGE SPONSORSHIP OPPORTUNITIES

sold

\$1500 Golf Cart Sponsor

Your company name will be prominently displayed at the event; your company will be acknowledged at the awards ceremony that day and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen. A complimentary Full page ad will also appear in the December 2022 or January 2023 Flow Newsletter.

sold

\$1000 Raffle Sponsor

Your company name will be prominently displayed at the event; your company will be acknowledged at the awards ceremony that day and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen. A complimentary Full page ad will also appear in the December 2022 or January 2023 Flow Newsletter.

\$500 Platinum Event Sponsor

Your company name will be prominently displayed at the event; your company will be acknowledged at the awards ceremony that day and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen. A complimentary 1/2 page ad will also appear in the December 2022 or January 2023 Flow Newsletter.

\$300 Gold Event Sponsor

Your company name will be prominently displayed at the event; your company will be acknowledged at the awards ceremony that day and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen. A complimentary 1/4 page ad will also appear in the December 2022 or January 2023 Flow Newsletter.

\$150 Station Sponsor

Sponsorship includes signage at the station. Your company will be acknowledged at the awards ceremony that day and your company will be recognized in the NUCANF newsletter, The Flow, and the state association publication, The Ditchmen.

Company: _____ Contact Name: _____

Payment: ☐ Check (NUCANF) ☐ Bill my account ☐ Charge credit card*

Visa/MC/AX: _____ Exp Date: _____ V-Code: _____

(The V-Code is the last three digits in the signature strip on the back of the credit card (Visa/Mastercard) or the digits on the front on the card for American Express.)

Name on card: _____ Billing Zip Code _____

*A 5% processing fee will be added to all credit card charges.

Return with payment to:

NUCANF, PO Box 16810, Jacksonville, FL 32245 or email to nucanf@gmail.com

2022

Safety Directors Forum 811 One Call Meeting Damage Prevention Meeting

November 17–18
The Westin Downtown Denver
Denver, Colorado

*Sponsored by NUCA's 2022
National Partners*

REGISTRATION INFORMATION

NUCA Members: \$295
Non-Members: \$395

HOTEL INFORMATION

The Westin Downtown Denver
1672 Lawrence Street
Denver, Colorado 80202

*Registration includes participation in the
Safety Directors Forum, and the 811 One Call /
Damage Prevention meeting.*



ONE CONFERENCE FOR ALL

NUCA's Safety Directors Forum offers the unique opportunity for safety management to network with other utility construction safety managers from across the country. Safety experts will present open-forum discussions on the most important and relevant safety information members sought by industry professionals.

Speakers for this year's event include:

- Dr. Katie Welfare — Construction Safety Research Alliance (CSRA)
- John Olachea — Compliance Assistance Specialist (OSHA)
- Sharon Lipinski — CEO, Habit Mastery Consulting
- Perry Silvey — Safety Manager with BT Construction, Inc.
- Trenching and Excavation Safety Taskforce (TEST) Representative

The 811 One Call/Damage Prevention Meeting will again focus on damage prevention best practices.

For the most up-to-date list of industry speakers, session topics, discussion forums, and event registration, please visit:

www.NUCA.com/sdf

MORE FISHING PHOTOS



2022 NUCANF FISHING SPONSORS



Hat Sponsor

United Rentals Trench Safety

Sleeve Sponsors

Advanced Drainage Systems
TB Landmark Construction Inc.

Raffle Sponsor

Beard Equipment Company

Event Sponsors



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John Woody, Inc.
Komatsu
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MWI Pumps
United Rentals Dewatering Installation
USI Insurance Services, Inc.
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Rinse Off Kit
Kid's Sponsor
Speaker & Charger
Dinner Sponsor
Door Prize Sponsor

LEGISLATIVE NIGHT HIGHLIGHTS

We were pleased to have Kiyan Michael, Candidate for Florida State Rep., Tracie Daniels, Candidate for Florida State Senate and Audrey Gibson, Candidate for Mayor of Jacksonville as our guests at our reception on September 22nd. Each of these candidates was given an opportunity to briefly address our group.

Kari Hebrank, NUCA of Florida Lobbyist and Clark Cryer, NUCA of Florida President was our guest speaker. Kari discussed upcoming legislative items that will be key for the 2023 legislative session. Clark gave us an update on upcoming NUCA of Florida events and encouraged participation and sponsorships.

We were pleased to have a number of first time attendees present including two employees of new member Meever USA, Mark Boucher from Linder and a potential new member, Drone Mapping of Solutions had two attendees.



Left: Mike Kivlin with Audrey Gibson, Candidate for Mayor of Jacksonville

Above: Clark Cryer, Tracie Davis, Candidate for Florida Senate, Mike Kivlin & Kari Hebrank

Right: Florida House of Representatives Candidate Kiyan Michael



Election Day is Tuesday, November 8th, Don't forget to vote!

October
Featured Sponsor



JOHN DEERE

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EQUIPMENT CO.

Sales • Rental • Parts • Service



North Florida's Equipment Partner

Beard Equipment's 50-year journey began in 1970 as the John Deere Construction & Forestry dealership in Pensacola, Florida. Now in the third generation of family ownership, our business goal has remained unchanged: take excellent care of our customers and their equipment needs. This commitment means you'll receive unmatched levels of support.

Beard Equipment is a proud member of NUCA, NUCA of North Florida, NUCA of Northwest Florida, the Florida Transportation Builders' Association, the Asphalt Contractors Association of Florida, and the Alabama Utility Contractors Association.

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