

THE FLOW



Upcoming Events

February 10th-13th - NUCA National Convention, Tucson Arizona

February 28th- Icemen

March 5th - Sunshine 811 Meeting, Aloft

March 11th -Young Professional Networking Event, Strings at the Beach, Tentative

April 14th -Annual Golf Tournament

April 25th - The Catty Shack Ranch, Tentative

May 19th-20th - Washington DC Summit

July 16th-18th - NUCA Florida Conference

**Feb 2026
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Presidents Message

February Flow Presidents Letter

Dear Friends and NUCA Members,

BRRR! Hope you're somewhere warm while reading this. We kicked off 2026 with an amazing Officers Installation Meeting. Mike Kivlin, Valinda Krynicki, and Jeff Blomgren were honored with outstanding Board and Individual Contributor Awards. Our outgoing President, Paul Gilsdorf, presented the President's Award to Jennifer Puff, who has truly stepped up in a big way for our organization. Congratulations to you all.

I'd also like to thank State Attorney Melissa Nelson for taking the time to join us. She delivered a powerful message on how dangerous the world is by preying on our youth and elderly people with sextortion and bitcoin scams. These issues need to be at the forefront of our family discussions.

Thank you to everyone who attended and helped make this one of our largest officer installations to date.

Jennifer Puff, Mike Kivlin, and I "walked the halls" in Tallahassee this past week during Legislative Days. Many hands were shaken, and it was a great opportunity to speak with the Representatives on their home turf. Florida CFO Blaise Ingoglia addressed NUCA on Tuesday morning, sharing his passion for exposing excessive and wasteful spending by Florida counties. We met with Representative Kendall that afternoon; she was attentive and eager to learn more about why NUCA is opposing House Bill 239, Standards for Storm Water Systems.

I highly recommend participating in Legislative Days, as it was a great experience.

Finally, we have a cool night planned for Saturday, February 28th! Join us at the Veterans Memorial Arena for an Iceman Hockey game. Please reach out to Jennifer for ticket information or scan the QR code below.

As always, please know that if there is anything NUCA of North Florida can do to support you or your company, don't hesitate to reach out.

Best Wishes



Alvaro A Rios
Vice President
T.G. Utility Company, Inc.



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CALENDAR OF EVENTS

Upcoming Events

February 10th - 13 th
NUCA National Convention

February 28th
Jacksonville Icemen

March 5th
Sunshine 811 Meeting

March 11th
**Young Professionals Net-
working Event**

April 14th
Annual Golf Tournament

April 25th
**The Catty Shack Ranch
Wildlife Sanctuary-
Tentative**

May 19th-20th
Washington DC Summit

July 16th-18th
NUCA FL Conference

The Law and Your Business

The Law and Your Business- Bid Protest Procedure

Anthony (Tony) Zebouni, Lindell & Zebouni, P.A.

Monroe County published Request for Proposal seeking bidders to deploy construction material for an artificial reef site off the Florida coast. A selection committee was appointed to evaluate the proposals and formulate a recommendation for the Board. The committee ranked the proposals and eventually recommended accepting a bid from the second-ranked bidder, protested. Kearns argued that the recommended bid was non-conforming because it failed to include the name or signature of the surety on the attached bond.

The Board held a public meeting wherein Kearns explained why the contract should not be awarded as recommended. An attorney for the County responded, stating that the recommended bid's defect had been cured. The Board voted to award the contract as recommended. The Board heard from no sworn witnesses, took no evidence, and made no factual findings or legal conclusions. Thereafter Kearns petitioned for certiorari in the circuit court appellate division."

On June 27, 2025, the court granted the petition for certiorari, ruling that the Board departed from the essential requirements of law after a quasi-judicial hearing. If the action reviewed by certiorari below was not quasi-judicial, then the circuit court violated the law by reviewing the decision via certiorari in its appellate capacity. And reviewing an executive decision of a governmental agency the same way a court would review a quasi-judicial decision would result in a miscarriage of justice. This is so because it would allow the judiciary to review a clearly executive function under the guise of error correcting a quasi-judicial decision in violation of separation of powers principles and public policy

The court has held that an unsuccessful competitive bidder for a county contract cannot seek certiorari review of such a decision because such an award is the exercise of an executive function, rather than a quasi-judicial act subject to certiorari review by the circuit court.

What distinguishes a quasi-judicial function: "When notice and a hearing are required and the judgment of the board is contingent on the showing made at the hearing, then its judgment becomes judicial or quasi-judicial." The characteristics of a properly noticed public hearing, as opposed to a quasi-judicial hearing, are that there is no sworn testimony and no cross-examination of adverse witnesses. While in this case there was a public hearing upon notice, a quasi-judicial type of hearing was neither contemplated nor conducted. About all that happened was that a party's representative made some unsworn statements in support of their position and the county attorney responded with opinions of his own. Therefore, a review by certiorari was an inappropriate remedy because this was not a quasi-judicial event.

The Board then made the ultimate decision, through a process that neither required the development of a factual record nor contemplated cross-examination. The Code contained no hearing examiner process to examine a bid protest. This was an executive function, even though the protesting bidder was allowed to make its case in the context of a presentation at a public hearing. The circuit court appellate division lacked jurisdiction to consider this matter through certiorari review. The protest was dismissed.

It is important to know the bid protest procedures and the enabling legislation before you submit a bid or proposal.



Industry News and Advocacy

2026 National Convention: A Full Slate Of Exciting Events!

Join your fellow industry leaders, peers and innovators at our 2026 National Convention for inspiring sessions, networking and insights that will shape the year ahead.

David Stillman and Jonah Stillman — the dynamic Gen X and Gen Z duo behind groundbreaking insights into generational collaboration — will be our keynote speakers this year, sponsored by Core & Main. Our educational sessions include operational best practices with FMI's Tyler Pare, workplace culture with Firestarter's Wally Adamchik, and the popular 2026 economic forecast with Continuum Capital's Mark Bridgers. There is also a full calendar of networking and social events, including the second Annual Equipment Operators Challenge, too, sponsored by U.S. Pipe. Plan to attend NUCA's 2026 National Convention Feb. 10-13, 2026, at Tucson's beautiful The Westin La Paloma resort hotel. Please visit nucadigs.com for registration and hotel room information. (P.S. Our golf tournament is *back!*)

Surface Transportation & SRF Reauthorizations Ahead

The ongoing work in Congress on the 2026 surface transportation reauthorization begins in earnest this year. Committees in both the House and Senate, including the Transportation and Infrastructure Committee, have begun early discussions with leaders signaling intent to advance a multi-year bill this spring or summer.

For utility contractors, a key opportunity lies in including reauthorization language for the Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) being included within the surface transportation bill. As NUCA emphasizes in its meetings with lawmakers, these two critical programs provide low-cost financing critical for water and wastewater projects. The IIJA authorized up to \$3.25 billion annually for each SRF, but actual appropriations have fallen short, compounded by earmarks diverting funds. This year at our May Washington Summit (May 19-20) NUCA and our members will urge swift, bipartisan action to avoid extensions or patchwork funding that disrupt planning.

SPEED Act Passes In House, Permit Reform Moves To Senate

The U.S. House passed an important permit reform bill Dec. 18 on a 221-196 vote, with the support of 11 Democrat lawmakers. The passage of the "Standardizing Permitting and Expediting Economic Development Act" or SPEED Act (H.R. 4776), marks a significant step toward strengthening America's ability to build, invest, and compete. The SPEED Act offers several reforms that address these challenges. The NUCA-supported bill will help focus environmental reviews towards efficient project completion, promote project certainty through requiring clear timelines, and improve coordination among federal agencies to reduce redundant reviews. The focus on permit reform now shifts to the Senate.



Association News

Your NUCA membership delivers business benefits that will help your bottom line. Are you or your employees taking advantage of them?

NUCA Assurance: Get more control over your business insurance program

Join like-minded NUCA contractors who have taken control of their claims, managed their risk, and secured better, more focused insurance services for their businesses. NUCA Assurance is a construction-focused group captive owned by NUCA members and designed by insurance experts to deliver the claims control and risk-management support smart construction business owners need. This cost-effective association benefit helps your company purchase workers' compensation, general liability, and auto liability insurance. Find out how to get more control over your utility construction company's insurance needs by starting at NUCAAssurance.com.

NUCA Benefits: Why NUCA Members Should Rethink Their 401(k) Strategy

Managing a 401(k) plan often creates more work than it should especially for NUCA members already stretched thin. That's why NUCA has now partnered with Voya, AMP Administrator, and Greenline Wealth Management to create the Voyager 401(k) Pooled Employer Plan (PEP), built specifically for utility contractors and their employees.

Voyager simplifies plan administration by pooling multiple NUCA companies into a single structure unlocking access to economies of scale and service. Greenline also conducts a no-cost benchmarking review for NUCA members to identify savings and help reduce fiduciary liability through full outsourcing. Whether you're offering a plan today or considering one for the first time, Voyager offers a compliant, cost-effective solution designed around your construction business. Schedule your free plan review today by calling 561-405-6609 (option 7), or email info@greenlinewm.com.

NUCA Benefits: NUCA-WINS--Now Featuring AI-Powered Report Generation

We're excited to announce a major new feature in NUCA-WINS -- AI-Powered Report Generation! With this new tool, you can now generate detailed reports instantly using natural language. NUCA-WINS new AI report generator understands your request in plain English and produces accurate, ready-to-share results in seconds -- no need for filters, formulas or complex queries. Each report may be immediately exported to your choice of a PDF, CSV or Excel file. This means you can now get insights faster, save hours on manual report prep and share data-driven updates instantly with your team.

It's live now! Just log in to your NUCA-WINS account and look for the "AI Reports" button in your "Outputs" section. Go to www.nucawins.com to start today.

SAFETY NEWS



By Khalifa Barr, Chair, NUCA Safety Directors Forum.

New Year Safety Goals for Construction

Building a Safer Worksite in the Year Ahead

As the new year begins, the construction industry has a vital opportunity to enhance safety on job sites. Prioritizing safety training ensures workers recognize hazards like falls and equipment operation, boosting confidence and preparedness.

Improving communication through daily safety meetings encourages workers to report unsafe conditions, while the proper use of Personal Protective Equipment (PPE) is crucial to prevent serious injuries. Regular equipment maintenance is essential to avoid malfunctions, and damaged tools should be removed promptly.

Additionally, addressing worker health, fatigue, and stress helps maintain focus and reduce injury risks. By prioritizing training, communication, PPE, equipment maintenance, and health, the construction industry can create safer job sites. Remember, safety is everyone's responsibility.

Quote of the Month: "Safety doesn't happen by accident."





Commercial Insurance Insights

Tanner Brewer, Commercial Insurance Advisor

AssuredPartners a Gallagher Company

(904) 881-9317

Certificates of Insurance & Transfer of Risk with Subcontractors For Underground Utility & Construction Contractors

Proper use of Certificates of Insurance (COIs) and clear transfer of risk practices are essential for protecting contractors from costly claims. Many general liability, workers' compensation, and auto losses become uninsured when subcontractor insurance is not properly reviewed, documented, or enforced.

Why Certificates of Insurance Matter

- Subcontractor claims can be pushed back to the hiring contractor
- Inadequate limits expose your company to uncovered losses
- Improper certificates weaken claim defense
- Carriers review subcontractor controls during underwriting

A COI is your first line of defense—but only if it is accurate and properly reviewed.

Key Insurance Coverages Subcontractors Should Carry

- General Liability with adequate limits
- Workers' Compensation (statutory limits)
- Commercial Auto (if vehicles are used)
- Umbrella/Excess Liability when required
- Contractors Pollution Liability when applicable

What to Review on Every Certificate of Insurance

- Policy effective and expiration dates
- Coverage limits meet contract requirements
- Correct legal entity name
- Description of operations matches work performed
- Additional Insured status shown where required

Transfer of Risk: Beyond the Certificate

A certificate alone does not transfer risk. Proper transfer requires:

- Written contracts with indemnification language
- Additional Insured endorsements (not just wording on the COI)
- Waivers of Subrogation when required

Without these elements, claims may fall back on your insurance.

Final Thoughts

Strong subcontractor risk transfer protects your insurance program and keeps losses from landing on your policy. Consistent certificate review and contract enforcement reduce claim frequency, improve loss ratios, and support better insurance pricing at renewal.

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NUCA Night with the Jacksonville Icemen!

02/28/2026

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www.jacksonvilleicemen.com/nuca26



Join NUCA of North
Florida
Sunshine 811/Damage
Prevention General
Meeting



**Safe digging
begins here.**

When: Thursday, March 5th

Time: 6:00-8:00pm

Where: Aloft

Tapestry Park

4812 W Deer Lake Dr,

Jacksonville, FL 32246

X NUCA OF NORTH FLORIDA O
● YOUNG PROFESSIONAL NETWORKING ●
EVENT

STRINGS

X Sports +
● Brewery ●

March

11th

5:30 -

7:30 PM

1618 PENMAN
ROAD
JACKSONVILLE
BEACH

RSVP to
NUCANF@gmail.com
by
March 4th

Come Join Us!

NUCA OF NORTH FLORIDA

GOLF

TOURNAMENT

2026



Eagle Landing Golf Club
3989 Eagle Landing Parkway,
Orange Park FL 32065

April 14th
TUESDAY

MORE INFORMATION TO FOLLOW

2026 Tallahassee Legislative Days

