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SUMMER 2017

2017 STATE LEGISLATIVE REPORT



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STUDENTS

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NEWS ONLINE ... The Cornerstone current and past issues can be accessed online at <http://www.agcnys.org>.

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JEFF DISTEFANO

*Harrison & Burrowes
Bridge Constructors., Inc.
Chairman of AGC NYS*

As you read this we will be deep in the middle of construction season so I hope everyone is out there making progress in spite of all the rain.

would grind to a screeching halt because of New York's reliance on Federal dollars.

For as long as I can remember New York has been a donee state, which means based on how federal dollars flow, our state receives more federal highway dollars than it pays to Washington in highway taxes. Now, should the trickle of these dollars slow even more, New Yorkers would see further infrastructure deterioration. The issue is frustratingly compounded by the fact that our legislature has zero will or desire to raise the user fees that are necessary to maintain even current highway conditions.

We are living in very interesting – and somewhat turbulent – times, both in the U.S. as a whole, and closer to home within the borders of our own state. In the meantime, healthcare and tax reform as well as an infrastructure bill, are struggling to gain any traction.

With our new President came the promise of a renewed infrastructure program and talk of a trillion dollars of added funding to make our country (read: economy) “great again”. In the last few months as the proposed ‘plan’ has unfolded, it talks suspiciously about cuts in funding and more focus on private funding through P3’s, Public Private Partnerships. Trump’s plan also suggests turning many projects back to state and local governments. There are mumblings that Washington wants to “DEVOLVE” its responsibilities for the federal interstate system and turn it over to the 50 states.



In my opinion, this would be a huge mistake for several reasons but especially for us in New York. I cannot think of one state in this country that could successfully realize an infrastructure program without the help of Washington. All of the states that have increased the user fees have done so because they recognize that federal dollars are not enough to meet current demands. A June 8 editorial from the Los Angeles Times explained that many states have raised their fees to “supplement” federal programs, NOT replace them.

If devolution was to occur regarding infrastructure funding in New York, I am convinced that highway construction

Approximately 23 states have raised user fees in the last three or so years. Most recently, in April this year California raised their gas tax by 12 cents and diesel taxes by 20 cents to help fund more than \$130 billion in repair and replacement projects. At least they are attempting to make THEIR state great again.

With regard to P3’s, I believe they are just one tool among several for securing projects. However P3’s have achieved only limited success in some areas of the country where these P3 projects were based on grossly overestimated traffic counts leading to failures of those projects. I do believe P3’s can succeed but they should be used in limited numbers and must be grounded in accurate and substantiated traffic studies.



Moving on to other issues here in our state, AGC New York filed a lawsuit in late April against 5 NYS agencies including the Dept. of Conservation and the Dormitory Authority. The purpose of this lawsuit was to get to the bottom of the state's failure to produce a disparity study which is meant to gauge the actual needs of minority subcontractors in our industry. Where this will end is anyone's guess, but it is genuinely felt that 30% goals on a one hundred percent state-funded project is very difficult to attain. Please stay tuned as this continues to unfold.

The Anthony S. Santaro AGC Scholarship Classic was held on June 20 at Turning Stone and the golfers came out despite the occasional rain drops. Congratulations to all of the winners and thank you for your continued support of this very worthwhile event. It was a real pleasure to see everyone there.

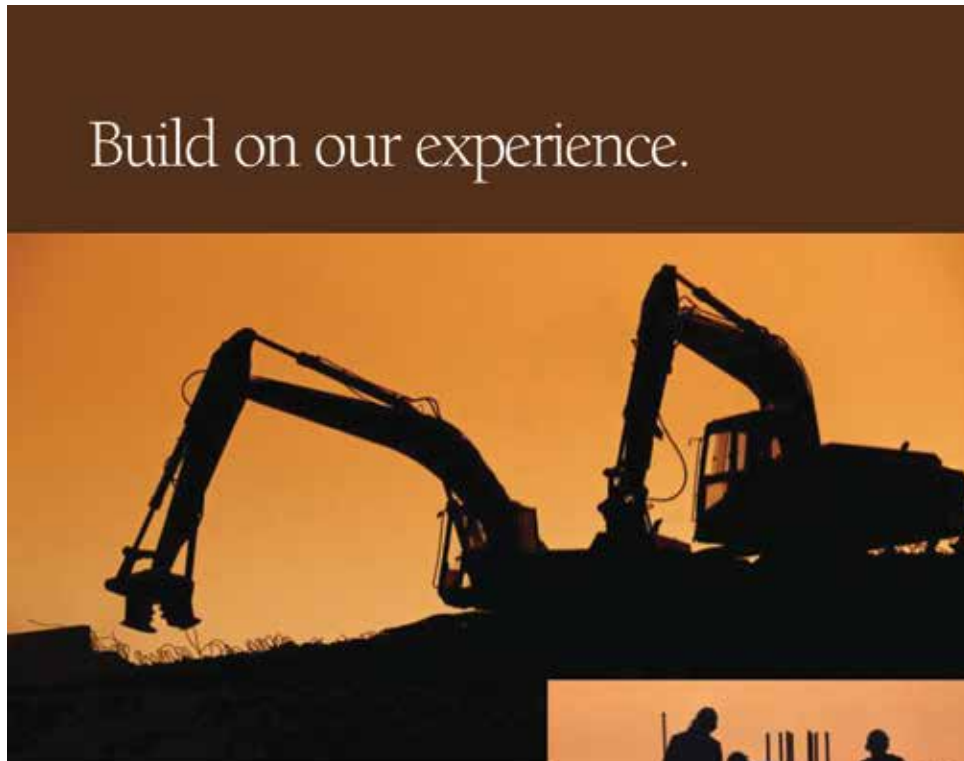
The summer meeting is upon us, and I hope to reconnect with many of you in Cooperstown at the beautiful Otesaga Resort.

That's it for now and I hope you all have a safe and productive construction season.

Be involved and be informed.



Jeff DiStefano
Chairman, AGC NYS



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MIKE ELMENDORF

President & CEO
AGC NYS

As I am sure you are aware by now, the AGC NYS filed Article 78 proceedings against five state agencies (the New York State Department of Environmental Conservation, Department of Transportation, Office of Temporary and Disability Assistance, Dormitory Authority and New York State Insurance Fund), demanding that they release documents they have for months refused to produce to justify how 30% MWBE goals were legally and specifically established for individual contracts.

For nearly a year, AGC NYS has been mounting an extensive effort through the Freedom of Information Law (FOIL) to gain insight into the administration of the MWBE program, issuing more than 100 FOIL requests in total. Given the ubiquitous and seemingly arbitrary appearance of 30% goals on contracts across the board, we believe it is clear that agencies are not engaging in legally required contract-specific goal setting—and therefore are not complying with Article 15A of the Executive Law, which governs the MWBE program. In particular, Section 313, Subdivision 2-a(b) of Executive Law requires that "each contract solicitation set forth the expected degree of minority and women-owned business enterprise participation" based, in part, on:

- (i) the potential subcontract opportunities available in the prime procurement contract; and
- (ii) the availability, as contained within the study, of certified minority business enterprises to respond competitively to the potential subcontract opportunities.

Furthermore, 5 NYCRR 142.2(d) provides that:

In determining appropriate goals for a particular State contract, State agencies shall give consideration to the following factors:

- (1) the contract and subcontract scope(s) of work;
- (2) the potential subcontract opportunities available in the prime contract;
- (3) the relevant availability data contained within the disparity study with respect to the scope of the contract and potential subcontracting opportunities;
- (4) the number and types of certified minority- and

- women-owned business enterprises found in the directory of certified minority- and women-owned businesses available to perform the State contract work;
- (5) the geographic location of the contract performance;
- (6) the extent to which geography is material to the performance of the contract;
- (7) the ability of certified minority- and women-owned enterprises located outside of the geographic location of contract performance, notwithstanding the regional location of the certified enterprise, to perform on the State contract;
- (8) the total dollar value of the work required by the State contract in relation to the dollar value of the subcontracting opportunities;
- (9) the relationship of the monetary size and term of the State contract to the monetary size and term of the project for which the State contract is awarded; and
- (10) the agency's annual agency-specific goal established pursuant to section 141.2 of these regulations.

It is quite apparent from the statute that the intent is that goals be based on the specifics of the contract, both in terms of its scope and its location. Clearly, the law recognizes that goals will vary from contract to contract based on the factors it spells out rather specifically. Given the high unlikelihood that such specific, fact-based analysis of individual and highly varied contracts throughout the state would result time and time again in the determination of the same 30% MWBE goal, compliance with the above-referenced statutory goal setting requirements is very much in doubt.

Earlier responses to AGC NYS FOIL requests for documents related to project-specific goal setting indicated plainly that 30% goals were being applied across the board based on Governor Cuomo's unilateral October 2014 announcement of a 30% MWBE goal. The goal has no basis in law or a duly adopted disparity study. Such a goal also is unrepresentative of the actual capacity of MWBE firms across the state. These FOIL responses indicated that there were no documents in existence related to the proper establishment of project specific goals. In some cases, the responses specifically stated that the goals were 30% solely because of the Governor's declaration, not as the result of any discreet analysis of the particular contract as required by law.



After repeated delays, subsequent responses to similar FOIL requests began to be denied with various, yet identically worded and timed, assertions of privilege or exemption for such documents. The AGC NYS action seeks to compel these agencies to produce these documents they claim exist which were relied upon, in accordance with the various factors spelled out in the law, to determine that 30% was the appropriate, legally justified goal on these contracts. More broadly, this action seeks to bring clarity and transparency as to whether or not the Administration is lawfully administering the MWBE program. It is worth noting that the conduct of the agencies named in the suit relative to goal setting has not necessarily been worse than other agencies not named. This problem is statewide, across basically all agencies. Rather, these are the agencies that first responded to us with what we view as a preposterous claim documents relating to project-specific goal setting are exempt from disclosure under the FOIL law. Indeed, we question whether such documents even exist, given that the agencies have been issued an edict to simply impose 30% goals.

Our industry and AGC NYS have a long history of supporting the appropriate and admirable objectives of the MWBE program to increase opportunity and diversity. Indeed, as an association we played a significant role in crafting and enacting the original Article 15A that created the program. We continue to actively partner with MWBE business advocates and others to expand opportunity for certified firms. More broadly, we help create opportunities for all individuals to connect with rewarding careers in the construction industry, which in every region of New York faces workforce shortages. Indeed, MWBE firms and their advocates share our interest in making sure the program is being administered according to the strict standards required by the courts. To exceed them, or the law, opens the entirety of the program up to the threat of a broad challenge that could strike it down.

What we seek in this action and beyond is simple: The legal, rational and reality-based administration of New York's MWBE program and its goals. We believe clear evidence exists that these standards are not being met at present. This is at the peril of our industry, which cannot conjure up firms to meet arbitrary, uniform goals with no basis in either the scope or location of their particular contract or the capacity and availability of MWBE firms based upon the same. Capriciously applying uniform, rubber stamp goals for political or other convenience also has the potential to imperil the entire MWBE program, given the standard of strict scrutiny established by the courts for the imposition of such goals. These goals must be based upon the law and facts, not political statements or Power Point presentations. Our member firms are held to a high standard when it comes to compliance with the law—and the State and this Administration should be as well.

As I write this article, the case is proceeding in Albany. The Attorney General's Office, which represents the agencies in the action, has asked for repeated extensions. While they have not achieved the full delay sought, these requests have pushed back adjudication of the questions we have raised. The case has been assigned to a judge and we await word on the scheduling of oral argument.

We are also pleased to be joined by a number of industry partners who are filing amicus briefs in the matter, including the Business Council of New York State, the GCA and CIC.

This action was certainly not taken lightly, but there was no question that AGC NYS needed to act. We estimate that about 70% of the contact we receive from members relates to MWBE compliance issues. We know what a challenge this has been to our member firms, not because they don't want to comply but because they can't when on the State's seeks to uniformly impose a goal based neither in reality nor the law, not the mention the specifics of individual contracts or MWBE capacity and availability.

We spent months developing a strategy that had the best chance of providing relief for our industry, and again, to be clear, the relief sought is nothing more than the lawful and reasonable administration of the MWBE program.

While I am sure AGC NYS taking this action has made some in Albany unhappy, this organization and I will never shy away from vigorously defending the interests of our members and industry. That's exactly what we are doing here—and I'm proud of it and all the hard work and planning that went into this effort, both on the part of the AGC leadership and staff—and our legal team at Couch White, LLP, particularly Joel Howard and Jennifer Harvey.

We will certainly keep you informed as this case makes its way through the court system. As always, contact me at any time if you have questions, concerns or if we can be of help to you and your team.

All the best,



Mike Elmendorf
President & CEO



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A SAGA OF DELAYS, DENIALS AND, LIKELY, NO DOCUMENTS: 30% MWBE STATE CONTRACT GOALS

Jennifer Harvey, Partner, Couch White, LLP

and denials, AGC commenced an Article 78 special proceeding against one authority and four state agencies (the "Agencies") seeking to vindicate its' and its members' FOIL rights of access to public records relating and underlying contractual specifications imposing 30% aggregate New York State certified minority-owned business enterprise and women-owned business enterprise (collectively, "MWBE") participation goals in five specific public construction contracts let by the Agencies.

Such a specification requires an awarded contractor to either provide the identified participation to MWBE certified subcontractors/suppliers or demonstrate its "good faith efforts" ("GFE") to do so. MWBE goals instituted on a public project, as race and gender-based public contracting determinations, **must** be narrowly tailored. Notably, the statute does not, and cannot, specify a quota or percentage set-aside of work on state contracts for MWBEs. Legally, such narrow tailoring requires that waivers of goals must be available to a bidder that has made a good faith effort, and a bidder who has made that effort must be treated in the same manner as one who has met the goals. Notably, a waiver based on GFE is not a modification of the goal specification.

Such goals must be tailored at three tiers: State-wide, Agency-wide, and at the contract.

State-wide tailoring. The first step in the mandated tailoring is the development of the MWBE program's evidentiary basis, which is the Statewide Disparity Study. Notably, a new disparity study was to have been adopted in 2016, has not yet been finalized as of the time of this writing. The present 2010 Study provides for construction industry goals of 14.34% for MBE participation and 8.41% for WBEs (cumulatively 22.75%). Clearly, the contract goals of 30% in the FOILED contracts are greater than Study level.

Agency-wide goals. The second step in tailoring is the establishment of agency master goal plans. There is no statutory provision permitting an agency to exceed the levels established by the Study adopted by the Legislature.

Contract goal evaluation. The third and most critical step is tailoring "each contract to determine the appropriateness of the goal ..." Executive Law §313(4)(b). When establishing specifications containing individual contract goals, each agency **must** evaluate:

- (1) ...contract and subcontract scope(s) of work;
- (2) ...potential subcontract opportunities ...
- (3) ...relevant availability data contained within the disparity study with respect to...potential subcontracting ...;
- (4) ...number and types of certified [MWBEs] found in the directory of certified [MWBEs] available...;
- (5) ...geographic location of the contract...;
- (6) ...extent to which geography is material to the performance...;
- (7)...ability of certified [MWBEs] located outside of the geographic location of contract performance... to perform...;
- (8) ...total dollar value of the work required by the ...contract in relation to the dollar value of the subcontracting opportunities;
- (9) ...relationship of the monetary size and term of the State contract to the monetary size and term of the project for which the State contract is awarded; and
- (10) ...agency's annual agency-specific goal...

In this way, the state-wide goals, as modified by agency-specific goals, are tailored to the particularities of the public contract work. Connection of the disparity to the contractual requirement is necessary to avoid a Constitutional violation. More practically, an MWBE goal specification that does not consider disparity, the project features or the availability of MWBEs to fulfill the work, is defective in that it forces a contractor to amass GFE for an overstated and improper goal. The compilation of such needless GFE comes at a significant cost, which ultimately is passed on to taxpayers.

How could all these contracts have 30% goals?

AGC's FOIL requests were focused upon contracts containing blanket goals set at 30% - greatly exceeding the Disparity Study level - in an effort to understand the basis for such goals, and their factual bases. The Study and agency master goals are public. It is unknown why contract goal analysis would not be similarly available.

With little variation, and after significant delays, the Agencies receiving the FOIL requests did not certify that the records existed, but rather denied access to the records, claiming exceptions based on the records sought being "...intra-agency materials which are not... statistical or factual tabulations or data" and further the records sought would supposedly impair present and future contract awards, even in cases where the contract had been awarded during the long delays before denials were issued.

AGC's FOIL requests seek statistical and/or factual information; namely, records pertaining to the required analyses conducted by the Agencies to determine MWBE participation goals for specific state contracts, as well as those documents relied upon or used in considering factors that Agencies are mandated to consider. Regardless of whether the requested records were used in deliberative processes, if they contain factual or statistical information, such information must nonetheless be publicly disclosed and cannot be properly withheld. FOIL mandates transparency, and the public has an interest and a right to know whether such documents exist.

Several Agencies asserted that such materials need not be disclosed because the materials sought would "impair present or imminent contract awards" and would affect their bargaining power in future contracts or impact upon bidder negotiations. Neither argument is tenable.

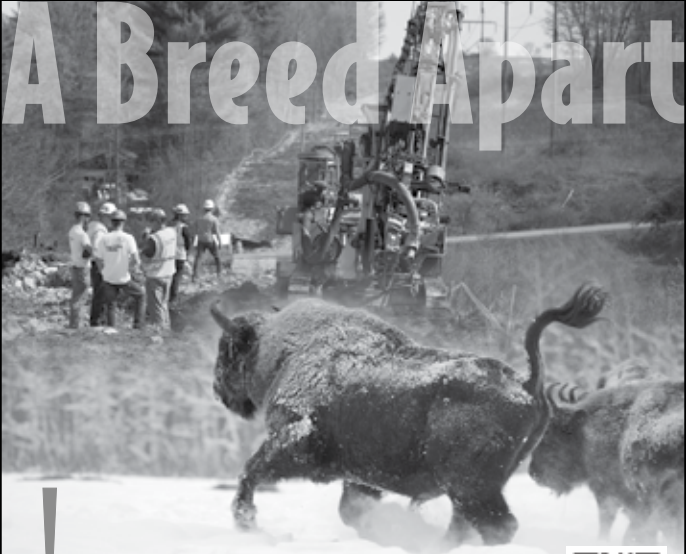
Disclosure of the requested documents underlying the Agencies' determinations to impose 30% MWBE goals cannot impair an award or affect "bargaining power." Such a disclosure would be of no competitive advantage, as the specifications apply to all bidders with equal force.

Further, there can be no post-bid impacts from such disclosure. MWBE goal specifications cannot be the topic of negotiation between an agency and a low bidder. Such a circumstance would be the illegal modification of a material specification post-award, and would nullify the


procurement by destroying the equal playing field that the competitive bidding laws are intended to maintain; a waiver based upon adequate GFE is not a post-bid modification of the goal.

The proceeding is fully submitted and remains pending. Two Agencies have now stated in that documents relating to individual contract specification MWBE tailoring do not exist. We will keep you posted as to further developments.

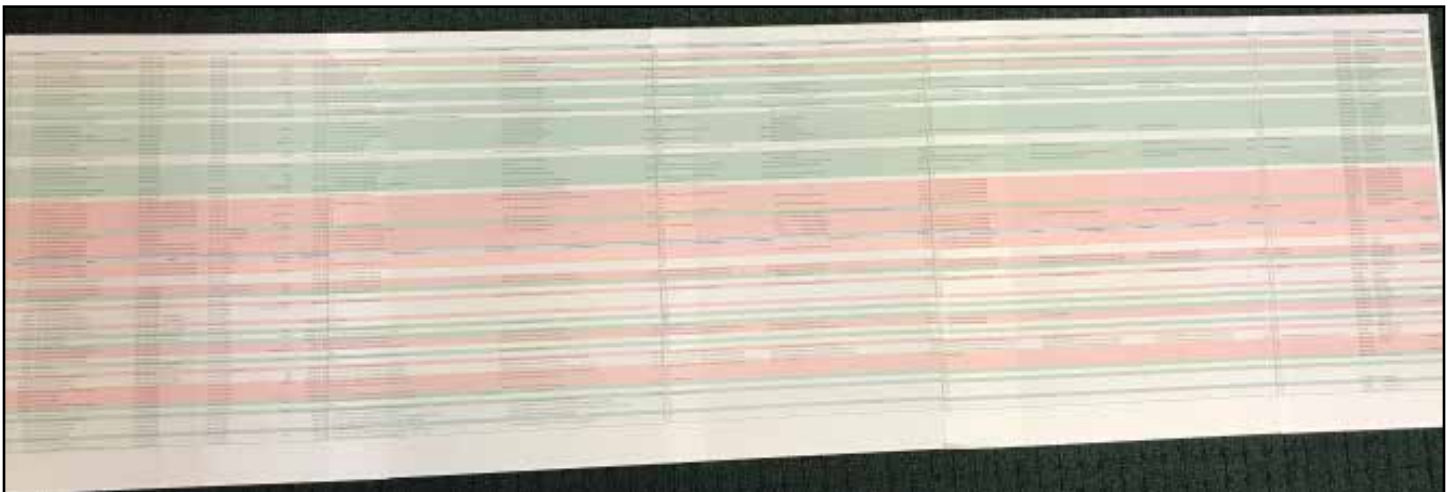
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AGC ANNUAL SCHOLARSHIPS AWARDED

Brendan Manning, VP of Education and Environment

On Wednesday, June 23, The AGC NYS Scholarship Committee met in Verona, N.Y., to select the recipients of the 2017 AGC NYS Scholarships. After many hours of scoring and deliberation, the committee selected 24 students to receive just over \$62,000 in scholarships. With those awards, the committee has now handed out over \$1 million in scholarships to young men and women working toward a degree in Civil Engineering, Construction Technology and Construction Management.

Since its inception in 1988, the scholarship value has now surpassed over \$1 million. As a major part of the AGC NYS Scholarship Program fundraising efforts on Tuesday, June 20, 2017, 325 golfers attended the 28th Annual Anthony S. Santaro AGC Scholarship Golf Classic at Turning Stone Resort and Casino to raise funds for the AGC Scholarship Program.

The AGC NYS Scholarship Program is funded by our members through the annual Classic; by individual member donations, and through endowments. Held each year in June at the golf courses at Turning Stone Casino & Resort, the Golf Classic attracts more than 300 participants. It offers a five-man scramble and a two-man best ball competition on three different courses. The full-day event begins with a late morning shotgun start. All golfers enjoy a barbecue lunch on the course, and then meet for cocktails, dinner, prizes and our famous auction.

Paul B. Richards Memorial Scholarship & AGC of America Foundation Winners Announced

During his thirty years of service to the construction industry of New York State, Paul Richards, former Managing Director of the General Building Contractors of NYS (formally the NYS Building Division of the AGC NYS), earned the respect of all with whom he worked through his dedication to the AGC ideals of Skill, Integrity and Responsibility. In memory and appreciation for Paul's excellent service and leadership and for his strong commitment to education, the Paul B. Richards Memorial Scholarship was endowed in 1987 by the Membership of the GBC. Each year, \$2,500 scholarships in Paul's name are presented to deserving young men and women pursuing undergraduate degrees in construction-related fields who show a real interest in pursuing a career in the construction industry. Since 1987, the scholarship has awarded over \$207,000.

2017 Paul B. Richards Memorial Scholarship Winners

Sallem Ahmed, City College of New York
Lisa Marie Nilaj, Manhattan College
Keila Peralta, Alfred State College

AGC of America Foundation Winners from New York State

Ru Chen, Pratt Institute, Alliant Build America Scholarship
Paul Coletti, SUNY Farmingdale, Alliant Build America Scholarship
Elizabeth Stevens, RIT, Alliant Build America Scholarship

Special thanks to the Paul B. Richards Scholarship Interviewers

Chad Green, LeChase Construction Services
Vince Iannelli, Iannelli Construction Co.
Shelly Johnston, Creighton Manning Engineering
Tom LePage, Barr & Barr
Ted Orr, The Pike Co
Howard Rowland, E.W. Howell Co.
Greg Wolf, Alexander Wolf & Son



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THE PUBLIC RENEWAL ACT OF 2017 MATTERS TO YOU

Samara Barend, SVP PPP Development Director, AECOM

Since 2010, more than \$36 billion in US transportation public-private partnership (PPP) projects have advanced. Over that same period, however, only 1 public building PPP was constructed. There is one key reason for the lack of PPP activity in public buildings – the US Tax Code.

Unlike transportation assets – which can leverage Private Activity Bonds – our nation's schools, courthouses, civic centers, and other public buildings cannot leverage any such tax exempt financing to deliver a PPP. Every U.S. transportation P3 project that has moved forward in the past 10 years has accessed federal financing, 75% of which have accessed Private Activity Bonds.

Since state and local agencies can use tax-exempt bonds, the result is a non-level financial playing field. This disparity between taxable and tax-exempt revenue bonds for infrastructure does not exist in other developed countries. To the extent that a PPP project cannot obtain tax-exempt bond financing, its financing costs will be higher, and opponents will cite this faulty reason as an excuse not to use the PPP approach.

Vertical contractors have good reason for hope. Last month the Public Building Renewal Act of 2017 was reintroduced in the House and the Senate by Congressman Mike Kelly (R-PA) and US Senator Dean Kelly (R-NV) with significant bipartisan support from the key Committees of jurisdiction (Ways and Means and Senate Finance). This bill creates \$5 billion in Private Activity Bonds (PABs) for schools and other government owned facilities with minimal direct cost to the federal government. More importantly, the bill would enable public owners – school districts, corrections agencies, general services departments, universities, hospitals, etc - to enjoy lower financing costs while employing the ingenuity of the private sector and transferring considerable financial risk away from taxpayers.

The Associated General Contractors of America have played a significant role in leading the charge for this legislation. Three years ago the AGC helped create the Performance Based Building Coalition (PBBC), an industry group focused solely on advancing public building

PPP projects. Today the PBBC has more than 90 firms, Governors, and associations committed to advancing the Public Building Renewal Act and to educating cities and states of the benefits of PPPs for their dilapidated public building infrastructure.

The New York State AGC has also played a pivotal role in this legislative effort by persuading Congressman Lee Zeldin (R-NY) to introduce this bill as an Amendment to the Highway Bill in 2015. Prior to Zeldin, few Republicans would consider introducing the bill since it had no score from the Joint Committee on Taxation. By introducing this bill as an Amendment to a major legislative package, Zeldin enabled the legislation to finally receive an incredibly low score of \$48M over 10 years.

This legislation matters to contractors since our public buildings are literally crumbling. Over \$45 billion is needed in additional annual funding just to upgrade and maintain our schools to ensure for health and safety. According to the US Green Building Council, many states have amassed billions in school construction backlogs - Texas has over \$13 billion in needs, Florida has \$8 billion, Clark County Nevada alone has \$4 billion, Arizona totals \$7 billion, and the list could go on. In addition, numerous states have specific PPP projects in the pipeline that could move forward sooner if such federal financing were made available. Projects such as the Los Angeles Civic Center (\$300M), Maryland Circuit Court (\$400M), Miami Dade Detention Facility (\$700M), Lake County, Indiana Convention Center (\$300M), and the Denver National Western Center (\$450M).

The Public Building Renewal Act of 2017 would allow private investment to do for public buildings what it has done for transportation – motivate the use of PPPs to accelerate the delivery of major projects. The moment of opportunity has arrived as a major tax reform package appears to be moving through Congress while the President continues to push for private investment in infrastructure. I urge all AGC state affiliates to step up and participate in this national effort. Help us articulate how critical this legislation is to rebuilding our public building infrastructure. Send letters to your congressional delegation, make calls, and join the Performance Based Building Coalition (www.p3buildings.org). Continued AGC leadership will enable us to open the doors to private investment in our public building projects.

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AROUND THE INDUSTRY

AGC Student Chapter NYU Tandon wins Regional Concrete Canoe Competition

Congratulations go out to the NYU Tandon ASCE Concrete Canoe Team on winning the 2017 regional competition taking three firsts and two seconds out of a total of five races. More importantly, it's the first time in their competition history that they placed first in ALL four categories – paper, presentation, product and race.



Rebuild NY Now President Mike Elmendorf Named to City & State Albany Power 100



For the third consecutive year, Rebuild NY Now President Mike Elmendorf was named to the City & State Albany Power 100 list. Elmendorf "promised federal infrastructure funding makes its way to New York, and members of the Associated General Contractors of New York State will certainly benefit. Mike Elmendorf, its President and CEO,

has spearheaded the Rebuild NY Now campaign, which is urging legislators to earmark more money for infrastructure. It doesn't hurt that Albany legislators recently approved \$2.5 billion to upgrade the state's water system, and Gov. Andrew Cuomo is pushing numerous transportation projects across the state."

22 AGC NYS Members Listed in ENR's Top 400 Contractors

AGC NYS would like to congratulate the 22 members who have been named to ENR's Top 400 Contractors List for 2017:

Turner Construction Company
Consigli Construction NY, LLC
Posillico Inc.
AECOM
M+W USA, Inc.
E.W. Howell Co., LLC
Kiewit Infrastructure Co.
LeChase Construction Services, LLC
Schimenti Construction Co., LLC
Skanska USA Civil Northeast Inc.
LPCIMINELLI
Bette & Cring LLC
The Walsh Group
The Pike Company
Aurora Contractors Inc.
Gilbane Building Co.
BBL Construction Services LLC
Suffolk Construction Co.
Barr & Barr Inc.
Plaza Construction LLC
T.G. Nickel & Associates LLC
The Lane Construction Corp.

New AGC Student Chapter Virtual Job Fair and Entry Level Posting Service Now Available at AGCNYS.org

AGC NYS is proud to announce a new **AGC Student Chapter Virtual Job Fair** and **Entry-Level Posting Service** for the Student Chapters and AGC NYS membership. This service was created in response to the members on-going need for new people entering the workforce. On the "members only" side of the website look under Education and Training and you will find both new sections.

The **AGC Student Chapter Virtual Job Fair** allows students and newer graduates to post their resumes and allows member firms the ability to search for Intern/Co-ops, Summer and Full time resumes.

The **Entry Level Positions** page provides AGC NYS members the ability to post Internship/Co-ops, Summer Work and Full Time entry level positions for students and new graduates.

Please make sure your Human Resources staff is aware of these new sections on our website and takes full advantage of them.

Contact Brendan Manning or Cathy Newell for more information.

AROUND THE INDUSTRY



AGC NYS Co-Hosts MWBE Event in Schenectady

Hundreds gathered at Proctors GE Theater in Schenectady for a MBE networking event co-hosted by AGC NYS, the City of Schenectady, Schenectady Schools, Schenectady Community College, Union College, and AMENY. AGC NYS Vice President Joe Hogan was one of the speakers at the event that featured information about business development, opportunities and business advice. This marks the second event done jointly with AMENY and they plan to do more together in the future.

AGC NYS Holds NYC Membership Meeting NYU Tandon School of Engineering Hosts

AGC NYS held a meeting of its NYC Metro Area Membership recently. NYU Tandon School of Engineering hosted the meeting in Brooklyn, which featured a presentation by Professors in the Department of Civil and Urban Engineering – Larry Chiarelli, Bud Griffis and Frank DarConte - regarding how AGC NYS can work more closely with the program at NYU Tandon. Efforts are underway.

The meeting also featured a presentation by leading NYC Expeditors Sisto Martello of Design 2147 and Steve Pezella and Ryan Benz of Milrose Consultants. Bob Zirkel of E.W. Howell moderated the presentation, and focused primarily NYC DOT permit related issues, particularly those below 23rd Street.

The meeting also featured a discussion with the Membership about the focus of AGC NYS efforts in the NYC Metro area and included discussions of programs, services and events. This marks the beginning of stepped up efforts in the area. Stay tuned for much more.



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AROUND THE INDUSTRY



Highway & Transportation Contractors Descend on Capitol Hill for the Annual TCC Fly-In

More than 400 transportation industry executives participated in the 16th Annual Transportation Construction Coalition (TCC) Legislative Fly-In, held in Washington, D.C. Several key Congressional leaders addressed the group including House Transportation & Infrastructure (T&I) Committee Chairman Bill Shuster (R-Pa.) and Senate EPW Committee Chairman Barrasso (R-Wyo.). TCC participants went to Capitol Hill asking their representatives to sign a letter sponsored by T&I Highway Subcommittee Chairman Rep. Sam Graves (R-Mo.) and Ranking Member Eleanor Holmes Norton (D-District of Columbia) to Ways and Means Committee Chairman Kevin Brady (R-Texas) asking that fixing the Highway trust Fund be a component in tax reform.

Jeffrey J. Zogg Awards Presented at 60 State

The Jeffrey J. Zogg Build NY Awards and the AIA NYS Excelsior Awards for Public Architecture were honored by both the AGC NYS and AIA NYS memberships for their outstanding construction projects on May 16.

The AGC NYS awarded Bette & Cring Construction (St. Joseph's Hospital Health Center) and DeFoe Corp (Kew Gardens Interchange) with the Jeffrey J. Zogg Build NY Award and awarded M+W Group (Computer Chip Commercialization Center) and Gilbane (Onondaga Amphitheater) with Honorable Mentions.



Congratulations to all of our winners. We look forward to continuing the event to provide further networking opportunities between AGC NYS and AIA NYS. Applications for next year's awards will be available soon.

AROUND THE INDUSTRY

Dick Schneider of LeChase Construction Awarded the AGC NYS Distinguished Service Award

As part of the Jeffrey J. Zogg Build NY Awards and the AIA NYS Excelsior Awards for Public Architecture, Dick Schneider of LeChase Construction was awarded the AGC NYS Distinguished Service Award for his many years of service as the Jury Chairman for the Build NY Awards. Dick is the longtime AGC NYS Committee Chairman for the Jeffrey J. Zogg Build NY Awards and guides the committee through the entries and final selection of the award winners each year.

Dick brings an openness to the jury scoring and discussions, making sure to hear from each of the jury members on every project submitted. Many times the shared opinions of each jury member may bring a new perspective to the table that other jury members may have not originally considered.



Dick began his career at a major Central New York commercial construction company, first as a labor/carpenter's assistant and later progressing to a senior project manager with an ownership position. In 1982, Dick and his partner established Northeast Developers, which became Northeast Construction Services in 1990. As company president, he was responsible for developing the vision and corporate strategies, day-to-day operations; bidding, marketing and growth strategies; bank and surety relationships; and long-term and succession planning.



Dick is involved with several affiliations, both regionally and nationally. He has served in several capacities for The Associated General Contractors of America (AGC)—including chairing its Education and Quality Committees and serving on the Executive Board under two presidents; he is also a Lifetime Member of the Board of Directors and a former president of the organization's New York Chapter. Presently, Dick serves on the Board of Trustees for the Milton J. Rubenstein Museum of Science and Technology.



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2017 STATE LEGISLATIVE REPORT

Walter Pacholczak, VP of Government Affairs

the state budget process, AGC NYS and our legislative partners lobbied the Executive Chamber, Senate, Assembly, and the various agencies and authorities on key issues including significant environmental infrastructure funding, a new 421-a program, and increased funding for transportation and building infrastructure projects.

The busy post-budget legislative session is always filled with surprises. AGC NYS played a key role in advancing legislation authorizing contractors to recover damages for delay, exempting BOCES capital expenditures from the school tax levy, and defining substantial completion.

The AGC NYS staff and Membership were heavily engaged to defeat or significantly amend a list of bills with either dire or unintended consequences to contractors and employees. This year, AGC NYS successfully opposed a damaging definition of public work and mandated project-labor agreements, while providing significant input to limit the fiscal impact of the "Buy American" bill. In the coming weeks, the Legislature is expected to return to complete unfinished business.

Once again, I am grateful for the encouragement and support from the AGC NYS Members and staff to help us achieve our legislative goals. AGC NYS continues to strengthen existing relationships, while developing new legislative and grassroots allies to rebuild New York's infrastructure and build influence at the State Capitol.

Below is a summary of key legislative issues. The list is limited and does not reflect all of the lobby and educational efforts on dozens of bills.

New York's construction industry had a productive legislative session at the New York State Capitol. During

BILLS SUPPORTED

Damages for Delay: A.7945-A (Kim) / S.6686 (Ranzenhofer). This bill requires public contracts to include a clause authorizing contractors to recover damages for delay. This is a priority bill for AGC NYS and our construction industry partners. The legislation mirrors specifications contained in the Office of General Services (OGS) General Conditions Standard Contract Clause – Article 17A-Delays which AGC NYS negotiated many years ago. Seventeen states allow for the specific recovery of damages related to expenses incurred by the contractor for a delay for which the state governmental unit is responsible, which was unreasonable under the circumstances, and which was not within the contemplation of the parties to the contract. Many more states recognize a common law right to damages for delay. New York should not be an exception to this trend.

Status: Passed Senate. Did not pass Assembly.

Substantial Completion Defined: S.4267 (DeFrancisco) / A.6572 (Cusick). Amends the State Finance Law and General Municipal Law to establish and define substantial completion for public construction contracts and eliminates ambiguities when the work required by the contractor and subcontractor is sufficiently completed and the public owner occupies or utilizes the work for its intended use. In essence, if the public owner is occupying or utilizing the completed project or a designated portion thereof it is deemed substantially completed.

Status: Did not pass Senate or Assembly.

Lake Ontario-St. Lawrence Seaway Flood Grant Program: A.8013-A (Morelle) / S.6783 (Helming). This bill includes three local infrastructure grant programs totaling up to \$50M. Funding is administered by Empire State Development and is for specific storm dates. Local governments grants – up to \$1M – total program funding is \$25M; County Program administered by Empire State Development, Department of Environmental Conservation and Environmental Facilities Corporation – up to \$500K total program funding is \$15M; Chautauqua, Cattaraugus, Allegany and Monroe Counties – up to \$1M – total program funding is \$10M.

Status: Passed the Assembly and Senate.

BOCES Capital Expenditures: S.4283 (Murphy) / A.5965 (Galef). The bill exempts certain BOCES capital expenditures from limitations upon local school district tax levies. AGC NYS joined a broad coalition of associations representing teachers, school administrators, school business officials, parent-teacher organizations, the Alliance for Quality Education and others in support of this legislation.

Status: Passed the Senate and Assembly.

Emergency Responder: S.4135-A (Savino) / A.4241-A (Englebright). AGC NYS joined the efforts of the New York Building Congress and others in support of the "New York Emergency Responder Act". This bill provides contractors, subcontractors, suppliers, licensed design professionals and others in the building and construction industry rights and benefits pertaining to liability for providing advice, services, labor and materials during times of emergency, crisis or catastrophe, including weather related events.

Status: Passed Senate. Did not pass Assembly.

BILLS OPPOSED

Public Work Defined: S.2975-A (Murphy) / S.5498-A (Bronson). Subjects all construction projects financed, in whole or in part, through certain public entities to pay prevailing rates for hours, wages, and supplements. AGC NYS opposed this bill because it would establish an expansive definition of the term "public work" to include any future construction project that is partially financed with any amount of public funding. Therefore, all private work that is partially financed with public funding could be subject to the strictures of the competitive bidding laws, the onerous and costly Wick's Law, and the NYS prevailing wage law and its enforcement mechanisms.

Status: Passed Assembly. Did not pass Senate.

New York Buy American Act: S.6639-A (Robach) / A.8427-A (Morelle) Amends the State Finance Law and Public Authorities Law mandating that all building, road and bridge contracts over \$1M in value and made and

awarded by any department, agency or authority of the State for the construction, reconstruction, alteration, repair, maintenance or improvement shall contain a provision that the iron and steel used or supplied in the performance of the contract or any subcontract shall be produced or made in whole or substantial part in the United States.

AGC NYS was instrumental at improving the final outcome of this legislation. AGC NYS fought successfully to remove contractor certification of American made iron and steel. This bill creates a work group that shall report on the impact of this act on the capital plans of the Department of Transportation, Metropolitan Transportation Authority, and the Thruway Authority, including but not limited to any amendments to such capital plans, change in cost of projects, and any cost savings discernible due to quality improvements or maintenance reductions due to materials used as a result of this act. Furthermore, this bill shall be deemed expired on April 15, 2020.

Status: Passed Assembly and Senate. Governor Cuomo is expected to sign this bill into law.

New York City Design Build: S.5548-A (Golden) / A.8239 (Benedetto). This bill authorizes the New York City Department of Design and Construction, and the New York City Department of Transportation to utilize design-build for the Brooklyn-Queens Expressway, Atlantic Avenue to Sands Street or Rodman's Neck firearms and training facility. AGC NYS supports design-build procurement but this bill mandates project-labor agreements.

Status: Passed Assembly. Did not pass Senate.



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New York City Design Build: S.6427 (Lanza) / A.8134 (Benedetto). Another bill to authorize the New York City Department of Design and Construction, the New York City Department of Transportation and the New York City Health and Hospitals Corporation to utilize design build for the following projects Brooklyn Queens Expressway - Atlantic avenue to Sands street; Rodman's Neck firearms and tactical training facility; Crossroads youth facility in the Brownsville section of Brooklyn; Horizons adolescent facility in the Mott Haven section of the Bronx; a new police department precinct in Southeast Queens; the Staten Island ferry terminal and related facilities resiliency efforts; the Pelham parkway bridge over the Hutchinson River Parkway in the Bronx; or the Elmhurst Hospital emergency room renovation in Queens. AGC NYS supports design-build procurement but this bill mandates project-labor agreements.

Status: Did not pass Assembly or Senate.

Mining and Reclamation of Mines: S.4812 (Lavalle) / A.6314 (Thiele). This legislation authorizes the enactment or enforcement of local laws or ordinances requiring the monitoring of groundwater impacts resulting from mining or the reclamation of mines in Suffolk County. AGC NYS opposed this bill because it would create another duplicative and unnecessary environmental law. New York State already has stringent Mined Land Reclamation Laws and a cumbersome regulatory process.

Status: Passed Assembly. Did not pass Senate.

OTHER BILLS / ISSUES

Contractor Debarment Under Davis-Bacon Act / Annualization Work Group: S.6790 (Murphy) / A.8514 (Bronson). The purpose of the bill is to ensure that those contractors who are debarred on the federal level under the Davis-Bacon Act for wage payment violations, are unable to bid on state public work contracts. The bill also creates a workgroup to evaluate the appropriate payments of supplements to construction workers using the annualization methodology.

The bill (S.6790/A.8514) represents a three-way agreement between the Governor, Senate and Assembly. AGC NYS did not take a formal position on this bill. AGC NYS supports legislation (S.828) introduced by Senator John DeFrancisco that directly links the calculation of payments

for supplements and reciprocity of debarments under the federal Davis Bacon Act.

Status: Passed Assembly and Senate. Governor Cuomo is expected to sign this bill into law.

"AGC NYS continues to strengthen existing relationships, while developing new legislative and grassroots allies to rebuild New York's infrastructure and build influence at the State Capitol. "

Executive Order 162: Requires State agencies and authorities to include a provision in all contracts issued and executed on or after June 1, 2017 to include detailed workforce utilization reports including the job title, salary, race, ethnicity, and sex of each employee of a contractor performing work on a State contract, or of each employee in the contractor's entire workforce if the contractor cannot identify the individuals working directly on a State contract. Empire State Development has not issued final reporting guidance and the effective date is postponed until January 2018.

AGC NYS and the Business Council of New York State organized a coalition to oppose Executive Order 162. In a letter to the Governor, the coalition stated that Executive Order 162 is fatally flawed and cannot be remedied through informal guidance, implementation plans, or FAQ documents. The coalition urged the Governor to rescind the current order, and engage in meaningful dialogue with the contracting community and other interested parties, in a manner consistent with long held administrative law principles.

Status: Projected implementation date is January 2018.

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ASSOCIATION MEMBERSHIP IN DECLINE, WHY NOT AGC NYS?

Dennis Kiefer, Member Services Director

In general, association membership is in steep decline, and the water level is dangerously rising

above most of them. Over the next five years, predictions are that professional associations will be heading the way of the Dodo, albeit for the few that have been able to figure out and execute a survival plan. Why is AGC NYS one of the survivors? Let's break down what is happening to other associations first.

According to W.E. "Bill" Russell, CCE IOM:

"Participation in civic organizations, service clubs, and political involvement has decreased dramatically over the last three decades. Most service clubs were, generally speaking, very successful from 1910 to 1950 when: a) business was more local; b) people lived where they worked; c) and there were not many options for civic engagement."

AGC NYS is in a unique position as an association because we don't tell you things you already know or can find somewhere else. We tell you how those things will affect you, how to navigate through and around them, and give you the tools to better manage your business. Through our knowledge and understanding of the issues, AGC NYS and AGC of America can help deal with the Volatility, Uncertainty, Complexity and Ambiguity (VUCA) of New York's construction market. We are your teammate – no,

better yet, we are on YOUR team – here to assist your navigation.

What is VUCA you might ask? According to Wikipedia, "The particular meaning and relevance of VUCA often relates to how people view the conditions under which they make decisions, plan forward, manage risks, foster change and solve problems. In general, the premises of VUCA tend to shape an organization's capacity to:

1. Anticipate the Issues that Shape Conditions
2. Understand the Consequences of Issues and Actions
3. Appreciate the Interdependence of Variables
4. Prepare for Alternative Realities and Challenges
5. Interpret and Address Relevant Opportunities

So how does AGC NYS invoke VUCA strategy when it comes to association survival? Simply put, we are not disseminating information; we are interpreting it and preparing the membership for its impact on our

industry. Preparing the membership means anticipating both positive and negative effects of legislation, regulation, market trends, strengths, weaknesses, opportunities, and threats.

If you are a Member, thank you – and call us whenever you need.

If you are not a Member – why not? You should call us now.

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AGC NYS LEVERAGES PARTNERSHIPS TO PAY YOUR DUES

Carla Plankenhorn, VP of Finance

Affinity Member

SPOTLIGHT

I usually write about the value AGC NYS brings to you through participation, networking, mentorship and the ability for you to get in front of prospective clients. And of course, you have the entire AGC staff at your disposal. Last year, I started a valuable series on how you can offset your dues by using the partnerships that already exist within AGC NYS.

For this Spotlight I would like to focus on a new partner, Infintech, LLC. Infintech specializes in electronic payment processing, offering exclusive rates, proven cost-savings and an exceptional level of transparency and dedicated support.

Ranked as one of Inc. Magazine's Fastest Growing Companies, Infintech securely processes more than \$3 billion in annual credit card volume, partnering with more than 7,000 customers and 120 strategic partners across 50 states.

After recruiting Infintech for membership, AGC NYS decided to use Infintech for our own credit card processing and we saw dramatic results. Our payment process cost was cut by an average of 55%. We want our members to see these same cost savings.

Current Acceptors vs. Non-Acceptors

If you are currently accepting credit cards, do you know what your effective rate is? The effective rate of a credit card processing statement is the **total processing fees divided by total sales volume**. If your current processor told you that you are paying a 1.5% qualified rate than it is very likely that the qualified rate does not disclose all fees assessed on your monthly statement. Infintech can review your monthly statements and provide you with a free rate analysis.

If you aren't accepting credit cards, Infintech can help evaluate your processing environment and see where they can help. Infintech has a large portfolio of businesses in the construction field, and they have learned that one of the biggest pain points is the cost to accept credit cards. Infintech has been able to reduce the cost of acceptance by collaborating with industry associations and card brands. Infintech has a new rate structure for AGS NYS members that is typically 40% lower than the industry standard.

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Brian Tinker

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Brian.tinker@infintechllc.com
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"Our payment process cost was cut by an average of 55%. We want our members to see these same cost savings."

Every Member is different and not everyone can achieve the same results but you definitely will not realize any potential savings if you don't call on the affiliations right here in your Association.

I will continue to feature AGC NYS partners that can save you money significantly every day. We are here because we are engaged in our industry, striving to be informed, and efficient at what we do. Affiliation with existing members can reduce your costs and supporting our industry from within is a win-win for all of us at AGC NYS.



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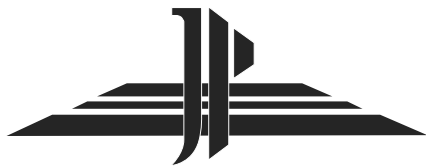
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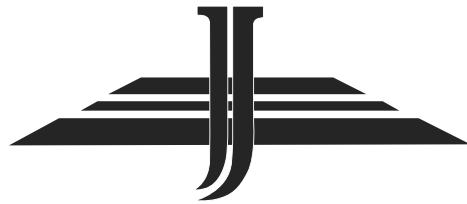
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FIVE BOROUGH, SIX NEW BILLS: NYC REGULATIONS UPDATE

George Grauer, Safety Director, E.W. Howell Construction Group

Construction within the five boroughs of New York City presents unique and sometimes daunting challenges to even the most seasoned general contractors. The dense make-up of our city, combined with the ever-changing rules and regulations of the city's many authorities having jurisdiction, leave many scratching their heads. In April of this year the New York City Council passed six new bills which will greatly impact those wishing to build in New York City. These bills are:

Int. No. 81-A: Requires DOB to report any Construction Code violations that potentially endanger workplace safety to OSHA, the Mayor, and the City Council Speaker. <http://files.constantcontact.com/c018869c501/d6387845-a77d-4be3-af94-9ff38074e674.pdf>

Int. No. 1421-A: Requires all cranes that need on-site inspections to be equipped with GPS capable of transmitting the location of the crane to DOB by 5/1/18. <http://files.constantcontact.com/c018869c501/459624e5-5fc0-421a-9a8e-9af3d1dd3840.pdf>

Int. No. 1433-A: Requires more information to be reported to DOB following construction incidents that result in an injury or fatality to a member of the public or a construction worker, and creates a minimum civil penalty of \$2,500 for violating the new reporting requirements. <http://files.constantcontact.com/c018869c501/3b185b73-f695-40ff-a80b-208db177f2ac.pdf>

Int. No. 1435-A: Requires all cranes to be equipped with event recorders that collect at least the crane configuration, any overload conditions, the status of limit switches, and operator overrides, in a manner that makes data available upon DOB's request by 1/1/19. Cranes can be exempted only if the manufacturer certifies to DOB that an event recorder cannot be installed on the crane due to a technological limitation. <http://files.constantcontact.com/c018869c501/459624e5-5fc0-421a-9a8e-9af3d1dd3840.pdf>

Int. No. 1446-A: Requires applicants for Class B hoisting machine operator licenses to obtain a licensing rating to operate machinery with a boom, including jibs and other extensions, exceeding 300 feet or truck-mounted tower cranes that exceed 300 feet in height. DOB rules shall establish the competency requirements for the licensing ratings, which may include operation, practical examination, completion of simulator training, or orientation. <http://files.constantcontact.com/c018869c501/cedd34c0-f2f5-4ce1-b469-b3cf5d4ec5a1.pdf>

Int. No. 1448-A: Requires buildings under 10 stories, except for 1-3 family homes, to create site safety plans to be kept on site and made available upon DOB request. The bill also codifies DOB's May 2016 construction superintendent rules into Chapter 33 of the Building Code. <http://files.constantcontact.com/c018869c501/78828903-3295-4dc9-9a07-d70aa811c1b7.pdf>

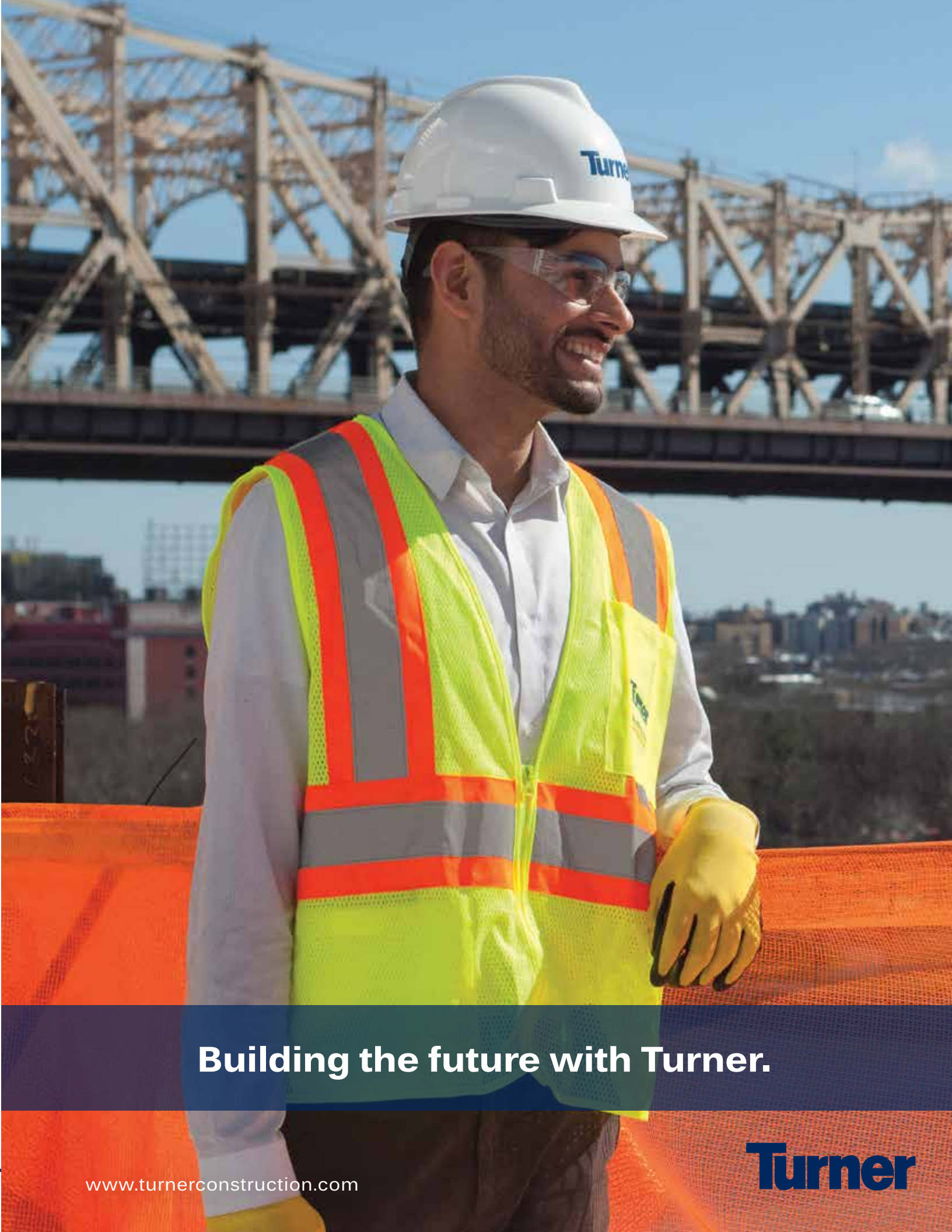
Additionally, in May of 2016 New York City adopted a revised 1 RCNY 3301-02 (https://www1.nyc.gov/assets/buildings/rules/1_RCNY_3301-02.pdf) which outlines the expanded duties of construction superintendents, and changes the type of jobs that require construction superintendents. The rule was rolled out in two phases, the first occurring in May of 2016, and the second occurring in August of 2016. The expanded duties of New York City construction superintendents include:

- Assure compliance with Chapter 33 of the Building Code
- Assure work conforms to plans
- Designate a competent person to provide full-time safety supervision at the jobsite
- Notify the Department of accidents, damage to adjoining property, and certain other conditions by contacting the BEST-SSM/SSC/CS hotline at (212) 393-2128
- Promptly correct any unsafe conditions discovered
- Upon each visit to the jobsite, inspect the entire work area and maintain a jobsite Log

The NYC DOB's commitment to construction safety and accountability has also spurred the creation of fitness requirements for license applicants and current licensees, https://www1.nyc.gov/assets/buildings/rules/1_RCNY_104-01.pdf. Effective June 5th, 2017 the following license types will be required to submit evidence of fitness in the form of the DOB's LIC61 Physical Examination Form:

- Electricians (Master/Special)
- Master Plumbers
- Master Fire Suppression Piping Contractors
- High Pressure Boiler Operating Engineers
- Oil Burning Equipment Installers
- Sign Hangers (Master/Special)
- Site Safety Managers
- Site Safety Coordinators
- Construction Superintendents
- Concrete Safety Managers
- Private Elevator Inspection Agency Directors & Inspectors
- Welders

The rules and regulations which govern construction in New York City are constantly changing and evolving, and law makers are pushing for tougher regulations and harsher penalties for those who do not comply. The safety of the public and workers is of paramount importance, and must continue to be for all those who build in New York City.



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WHERE ARE THEY NOW? FUTURE CONSTRUCTION LEADERS ALUMNI

Brendan Manning, VP Education and Environment

Who: Paul O'Rourke

Firm: E.W. Howell Company, LLC, Plainview, N.Y.

Education: New York Institute of Technology, Bachelor's of Science in Agriculture, Class of 1988

O'Rourke started with E.W. Howell in 1988 as an Assistant Project Manager, and over the years through his performance and dedication has proven to be a most valuable asset. He has held previous titles including Project Manager, Project Executive, Vice President, and he currently serves as Executive Vice President/COO. Paul has worked on dozens of projects for some of E.W. Howell's repeat clients including Hofstra University, Stony Brook University, NYC School Construction Authority, and Sunrise Assisted Living. He graduated in 1988 from NY Institute of Technology with a Bachelor of Science in Architecture, and is active in many local charities including co-founder of the John Bergin Benefit for a Friend Golf Outing, which benefits construction families in need.



Top Left
Northwell School of Medicine, Hofstra University, Hempstead, N.Y.

Top Right
Peck Slip School, P.S. 343, New York, N.Y.

Bottom Left
Sunrise Assisted Living, Glen Cove, N.Y.



STOP BASTARDIZING STANDARD FORM CONTRACT DOCUMENTS

Joe Hogan, CDT, VP of Building Services

As I was engaged recently on what might be among the worst – if not the worst – set of supplementary

conditions I have reviewed in my 29 years performing such reviews, I remembered a story surrounding a similar set of documents several years ago. Before I get into that story I should qualify the words “several years ago.” I have found as I get longer in the tooth that more and more events I thought occurred within the last few years actually happened 10-15 years ago. This event could have occurred 20 years ago.

While it may surprise some, there are more than a few architects and engineers who regularly call me to ask about a clause or an approach they are considering or one foisted upon them. On this particular occasion a frantic call came from an architect in the Southern Tier asking me to review a set of documents for a school district project out for bid. He was the architect on the project, and he was concerned about the impact of the one-sided and unfair set of documents on the price, schedule and quality of the project. He was also concerned about the impact on the reputation of his firm.

As I expected, the culprit was an attorney who represented many school districts in the region and was notorious for what was his own standard form set of supplementary conditions – some 60 pages worth – to the A201 form of General Conditions. The document was brutal. It was one-sided, unfair and seeking to hold the contractor responsible for every potential risk, including for design errors, ever considered on the project. I recall wondering how does this meet the test for good faith and fair dealing, what bidders are thinking when they bid on this and how will such clauses impact the management of the project?

I then came to the Summary of Work and found the most amazing clause I've ever read. This architect found it necessary to write – “I believe that I and my firm have a reputation for fair and equitable administration of projects and we will endeavor to do so in spite of the

Supplementary Conditions in this set of documents. Please understand, however, that these documents may prevent us from being as fair as we would like and as our reputation would indicate.” Wow! That one statement is an indictment on the kind of supplementary conditions issued on that project.

Sadly, the architects’ statement and even my review was not enough to sway the owner’s attorney. Since then, I have seen even worse. It’s not always the volume of supplements – I’ve seen as many as 118 pages of supplements to a roughly 35 page original – often it’s the tone and tenor of the changes that alter the basic makeup of the original.

"Unfortunately, the aim is not to improve the documents. The aim is to make them blunt force instruments intended to scare and intimidate."

There is great value in standard form contracts whether they are issued from ConsensusDOCS, AIA or EJCDC. Standard form documents provide a degree of familiarity and understanding of the terms, conditions and way to manage. There is a history – including case law - to the documents and a sense of history and understanding when they are being modified and updated. With that understanding of history in the background, the organizations writing the documents often create a degree of balance and a softening of some of the hard edges – see comments on the new A201 below.

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The Construction Specification Institute's (CSI) Manual of Practice states "Supplementary Conditions" "...modify or supplement the General Conditions as needed to provide for requirements unique to a specific project." Supplementary Conditions were never intended to be a wholesale re-write of the original. In my view, such wholesale changes are disingenuous and amount to false advertisement. Frankly, it requires a certain amount of hubris to take a standard document that has been crafted over time by industry leaders and groups of highly respected attorneys, and alter it to the point that it is no longer recognizable. If you are of such skill and expertise, create your own manuscript document that stands alone such that all will know it's the "Joe Doakes Standard Form Set of Documents" and all will know what to expect. Better still, get involved and engaged with national organizations and help improve them.

Unfortunately, the aim is not to improve the documents. The aim is to make them blunt force instruments intended to scare and intimidate. The theory seems to be that they will scare away the bad contractors. The authors ignore the studies by the likes of CII (Construction Industry Institute) that such a tactic tends (even when the clauses are unenforceable) to increase price, decrease project performance and impact negatively the ability of owners, contractors and designers to work together in a collaborative fashion seeking the best project possible. At this point I should note that my ire on this matter is not reserved just for the Owner/Contractor general conditions and agreements. I take the same dim view of bastardizing owner/designer and contractor/subcontractor standard

form documents.

As to A201, the year is 2017 – a "7" year – which means that it's time for the latest edition of A201. I happen to have been invited to join task force with AGC of America to review and provide a commentary on the document. By the time you read this column, that guidance will have been issued and we will be on our way to preparing programs and seminars to help AGC NYS Members deal with the changes. While I wish that the new document was moving in the right direction toward being more fair and away from the penchant for placing owners on the sidelines, I cannot say that. If the wholesale changes were being made in a negotiation between owner and contractor to make it better for all, I would have less complaint. Unfortunately, I have yet to review a set of supplementary conditions issued for bid (usually with a contract of adhesion) that make the document more fair. Of course, if the intent were for fairer documents that fully engage the owner, just use ConsensusDOCS.

We are working more closely with AIA NYS and during the 2017 AGC NYS Summer Meeting (as well as with joint regional meetings in the Fall/Winter). We will have a panel of architects and contractors to discuss, among other things, how they can work together in a more collaborative fashion and solve problems/resolve issues for the good of the team and, most importantly, the project. I intend to ask how unfair contract documents impact that effort. I also intend to discuss with AIA NYS, how we can work together to curtail the bastardization of standard form contract documents.

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Photos courtesy New York State Thruway Authority.

High Steel Structures LLC is providing 50,000 tons of structural steel for the approach spans of The New NY Bridge, replacing the 3.1-mile Tappan Zee Bridge across the Hudson River. The project is the largest transportation design-build project to date in the United States and one of the largest construction contracts in New York State history. In all, High Steel fabricated a total of 793 plate girders, 1,068 stringers, 2,564 cross frames for the project.

The New NY Bridge (Tappan Zee)

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Charleston, SC- 33,607 Tons Steel

I-495 HOT Lanes

Washington, DC- 21,500 Tons Steel

The George V. Voinovich Bridge (Westbound)

Cuyahoga County, OH- 19,947 Tons Steel

Intercounty Connector Contracts A-C

Montgomery County, MD- 14,044 Tons Steel

Milton-Madison Bridge

Jefferson County, IN- 8,165 Tons Steel

Six Mile Creek Bridge

Erie County, PA- 1,738 Tons Steel

Dulles Corridor Metrorail Project

Vienna, VA- 1,531 Tons Steel

Route 42 Emergency Project

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Fall River, MA- 1,825 Tons Steel

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The logo features the letters 'HG' in a stylized font. The 'H' is blue with a white outline, and the 'G' is green with a white outline. To the right of 'HG', the words 'HAUGLAND' and 'GROUP' are stacked in a bold, blue, sans-serif font.

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MWBE PROGRAM - UTILIZATION GOALS AND THE WAIVER PROCESS

Karen Morrison, P.E., VP of Transportation and Technical Services

The program for providing opportunity to emerging woman-and minority-owned firms is based upon the regulations set forth in response to Article 15A of Executive Law. They contain many provisions that serve to describe the efforts to be made by the State entities as well as its contractors.

Our foremost recommendation to anyone involved in the program is: know the rules. They have been established for the lawful implementation of the program and the clear understanding, by agencies and contractors alike, of how to follow the intent of the law.

The rules were promulgated by Empire State Development:
OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 5: DEPARTMENT OF ECONOMIC DEVELOPMENT
CHAPTER XIV: DIVISION OF MINORITY AND WOMEN'S BUSINESS DEVELOPMENT
https://cdn.esd.ny.gov/MWBE/Data/01282015_OFFICIAL_COMPILATION_OF_MWBE_REGS.pdf

The Definitions (Section 140) include much more than simple meaning, they also include fundamentals key to the program – read them.

140.1 Definitions

(s) Goals. The term referring to the percentage of aggregate agency expenditures targeted for the participation of certified minority- and/or women-owned business enterprises sought to be included in State procurement opportunities as prime contractors, subcontractors, suppliers, consultants, joint ventures, teaming agreements, or other similar arrangements. Goals may be expressed as, agency-specific or contract goals.

Request this form or seek the agency's preferred format for your request.

(ss) Waiver form

The form provided by a State agency to a contractor as part of a solicitation, relative to a request by the

contractor to set aside or modify the participation of certified minority-and women-owned business enterprises in the performance of State contracts.

When seeking a waiver – either pre-bid during the question and answer period or after, these factors should be used in describing the basis for your request.

Section 142.2. Establishing contract goals and identifying subcontract opportunities for certified businesses

(d) In determining appropriate goals for a particular State contract, State agencies shall give consideration to the following factors:

- (1) the contract and subcontract scope(s) of work;*
- (2) the potential subcontract opportunities available in the prime contract;*
- (3) the relevant availability data contained within the disparity study with respect to the scope of the contract and potential subcontracting opportunities;*
- (4) the number and types of certified minority-and women-owned business enterprises found in the directory of certified minority- and women-owned businesses available to perform the State contract work;*
- (5) the geographic location of the contract performance;*
- (6) the extent to which geography is material to the performance of the contract;*
- (7) the ability of certified minority- and women-owned enterprises located outside of the geographic location of contract performance, notwithstanding the regional location of the certified enterprise, to perform on the State contract;*
- (8) the total dollar value of the work required by the State contract in relation to the dollar value of the subcontracting opportunities;*
- (9) the relationship of the monetary size and term of the State contract to the monetary size and term of the project for which the State contract is awarded; and*
- (10) the agency's annual agency-specific goal established pursuant to section 141.2 of these regulations.*

Upon submission of your complete Utilization Plan, and in the event that the attained utilization is below the goal percentage, submit a request for waiver of the balance of any goal percentage remaining. Your Good Faith Effort documentation along with your summary of the reason for the waiver should also form part of the submittal package.



Section 142.6. Submission and review of utilization plans

(f) If the contractor's written remedy to a notice of deficiency is not timely provided or if the written notice is found by the State agency to be inadequate such a failure to remedy the deficiency may be grounds for disqualification for non-responsiveness or the State agency may notify the contractor and request the contractor to submit a waiver form within five (5) business days. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid for non-responsiveness.

Section 142.7. Waivers

(a) A State agency shall not grant any automatic waivers of goal requirements on a State contract but may grant a partial or total waiver of goal requirements established on a State contract only upon the submission of a waiver form by a contractor, documenting good faith efforts, as defined in Section 142.8, by the contractor to meet the goal requirements of the State contract, and in consideration of the following factors:

- (1) the number and types of certified minority- or women-owned business enterprises available to perform on any subcontractable scopes of the contract;
- (2) the total dollar value of the State contract;
- (3) the contract scope of work to be performed;
- (4) the project size;
- (5) the project term;
- (6) the availability of other business enterprises located in the region qualified to do the work to be performed;
- (7) the ability of certified minority- and women-owned business enterprises located outside the region to perform the State contract; and
- (8) the extent to which contractor's own actions, including but not limited to, any failure by contractor to discharge the contractor's duties pursuant to this Part or article 15-A of the Executive Law, contributed to contractor's inability to meet the maximum feasible portion of the contract goals.

(b) Requests for a partial or total waiver of goal requirements established on a State contract made prior to the award of the contract may be made simultaneously with the submission of the utilization plan for that State contract. If a contractor is found non-responsive or non-responsible by a State agency, the request for a waiver shall be deemed moot.

(c) Requests for a partial or total waiver made subsequent to award of a State contract may be made at any time during the term of the State contract but prior to the submission of a request for final payment on that contract.

(d) Forms for requests of a partial or total waiver of goal requirements established on a State contract, shall

include a request for the following information, where applicable:

- (1) the names of general circulation, trade association and minority- and women-oriented publications in which bids were solicited for purposes of complying with goal requirements established for certified minority- and women-owned business enterprise participation;
- (2) the dates for which bid solicitations for certified minority- and women-owned business participation were published in any of the publications named pursuant to paragraph (1) of this subdivision and the text of the bid solicitation;
- (3) a list of certified minority- and women-owned business enterprises appearing in the directory which were solicited in writing to provide bids for purposes of complying with a State agency's goal requirements for certified minority- and women-owned business enterprise participation;
- (4) proof of dates on which such solicitations were made in writing and copies of solicitations made, or a sample copy of the solicitation if an identical solicitation was made of all certified minority- and women-owned business enterprises;
- (5) copies of

responses made by certified minority- and women-owned business enterprises to solicitations made by the contractor; (6) a description of any contract documents, plans or specifications made available to certified minority- and women-owned business enterprises for purposes of soliciting their bids, and the dates and manner in which these documents were made available; (7) documentation of any negotiations between the contractor and/or certified minority- and women-owned business enterprises undertaken for purposes of complying with goal requirements established for certified minority- and women-owned business enterprise participation; (8) any other information determined relevant by the State agency or the contractor; and (9) a statement setting forth the contractor's basis for requesting a partial or total waiver.

There are remedies available to address and resolve differences.

Section 142.12. Contractor and State agency complaints

(a) Subsequent to the award of a State contract to a contractor that becomes deficient with regard to its utilization plan, the contractor may file a complaint with the director pursuant to Executive Law, section 316, by personal service or certified mail, return receipt requested, provided that the complaint is filed within twenty (20) days following paragraphs (1), (2), or (3) of this subdivision. The complaint should state the reasons for the complaint, together with a demand for relief and

"Our foremost recommendation to anyone involved in the program is: know the rules."



include the following information:

(1) the contractor's receipt of a written determination by a State agency that the contractor is not entitled to a partial or full waiver of the goals established in a State contract for participation by certified minority- and women-owned business enterprises; or (2) the contractor's receipt of a written determination by a State agency that the contractor has not acted in good faith, has failed, is failing, or is refusing to comply with goals; or (3) twenty (20) days have passed from the date of the State agency's receiving a written request from the contractor, sent by certified mail, return receipt requested, for a partial or total waiver of goal requirements for participation by certified minority- and women-owned business enterprises, and no written determination has been issued by the State agency.

Remember, violations and penalties apply only to proven willful and intentional disregard for the program and its provisions. The Regulations do not allow penalizing lower utilization percentages when verified good faith effort to meet the maximum feasible portion of the percentage exists. That is why the waiver process exists.

Section 142.13. Provisions in contracts; violations

(a) Every contracting agency shall include a provision in its State contracts expressly providing that any contractor who willfully and intentionally fails to comply with the

minority and women-owned participation requirements of these regulations as set forth in such State contract shall be liable to the contracting agency for liquidated or other appropriate damages, as otherwise specified in the contract,...

Know the rules, be thorough in your efforts as described in the regulations. Work diligently with certified firms to provide clear understanding of project needs and expectations. Document all of your efforts and conversations to support the process and the results.

- Section 141.7. State agencies' good faith efforts.**
- Section 142.2. Establishing contract goals and identifying subcontract opportunities for certified businesses.**
- Section 142.8. Contractor's efforts to utilize certified business enterprises.**

Every construction contract is unique – different scopes, quantities, schedules, locations, special requirements, etc. Project-specific goals are not one-size-fits-all and percentages established by the State entity must reflect these differences. Similarly, your efforts toward maximizing participation must also follow the protocols set out in regulation.

Be aware, be proactive, be successful.



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REBUILD NY NOW GOES GREEN

Walter Pacholczak, VP of Government Affairs

In virtually every community across New York State, our water and sewer systems are in desperate need of repair and replacement. One out of every seven schools in New York State has unhealthy levels of lead in the drinking water. Our sewer and storm water systems are failing, causing significant pollution of our waterways, dangerous flooding, broken water mains, and massive sinkholes leading to street closures.

Water, Agua, Shui. Whatever you call it New Yorker's demanded clean, safe, and accessible water.

New York's rapidly failing environmental infrastructure sparked a public outcry to demand action and funding from our elected officials. With Governor Cuomo and the State Legislature proposing billions of dollars for clean water in budget proposals, Rebuild NY Now launched a state-wide media and grassroots campaign to go green in support of clean water funding.

This year, Rebuild NY Now added new voices to the coalition by working with the leading state environmental associations including the New York League of Conservation Voters, The Nature Conservancy, Riverkeeper, Citizens Campaign for the Environment, Environmental Advocates, and Save the Sound. Each of these associations contributed a strong and unique voice in support of clean water infrastructure funding.

Much like prior infrastructure campaigns, Rebuild NY Now invested resources on grassroots events in Rochester, Buffalo, Syracuse and Albany; a targeted paid and earned media campaign; and direct lobbying. The Rebuild NY Now "Clean Water Campaign" was launched at the Monroe County Office Building at a press conference hosted by County Executive Cheryl Dinolfo. In Buffalo, supporters gathered at the windy and cold Frank Lloyd Wright Boat House on the Niagara River. Syracuse Mayor Stephanie Miner, an ardent supporter of Rebuild NY Now, hosted a packed press conference at her office. The campaign activities concluded with another rally and lobby day at the State Capitol where dozens of elected officials voiced their support for clean water infrastructure investment.

For the third consecutive year, the Rebuild NY Now successfully implemented and executed a public relations campaign that delivered significant investments for New York's infrastructure. Governor Cuomo and the Legislature approved a \$2.5 billion environmental infrastructure fund in the 2017-18 state budget. Highlights of the funding include: \$1 billion for water and wastewater infrastructure; \$245 million for water quality projects such as sewer treatment, storm overflow and non-point source pollution, including \$25 million for road salt management; \$200 million for New York City watershed projects; \$150 million for inter-municipal water infrastructure projects; \$130 million to address hazardous waste and other water contamination; \$75 million to replace septic systems and cesspools; \$50 million for green infrastructure; \$20 million to replace lead pipes; and \$10 million for emergency water infrastructure projects. The funding will be spent over a five-year period.



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Rebuild NY Now has quickly established itself as the leading statewide infrastructure advocacy group by earning the respect of elected officials, associations, media, and the public. Since New York's infrastructure needs vastly outweigh available funding, the Rebuild NY Now coalition is uniquely positioned to continue to be a major force in New York's infrastructure debate for many years.



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WORKING TO REBUILD THE PIPELINE FOR RECRUITING AND PREPARING CONSTRUCTION WORKERS

Stephen E. Sandherr, CEO, AGCA

With the construction industry in most of the country now several years into a recovery, many firms have gone from worrying about not having enough work to not having enough workers. Nationwide, 73 percent of firms report they are having a hard time finding enough qualified workers to hire according to our 2017 Construction Hiring & Business Outlook we released earlier this year.

It also appears that labor shortages are not going away anytime soon. Seventy-five percent of firms report it will continue to be hard, or get even harder, to find hourly craft personnel over the coming 12 months. One reason for this pessimism is that demand for construction continues to grow in many parts of the country. Indeed, construction employment is at its highest level since 2008 while construction spending levels continue to hit record highs. Contractors also worry about the poor quality of the pipeline for recruiting and preparing new craft workers. Three-quarters of our member firms rate the new craft

worker pipeline as poor or fair while only 14 percent said it was good or excellent, according to a workforce survey we released last summer.

Tight labor market conditions are prompting many firms to change the way they compensate employees. Nearly half of construction firms report they have increased base pay rates for craft workers because of the difficulty in filling positions. Twenty-two percent have improved employees benefits for craft workers and 20 percent report they are providing incentives and bonuses to attract workers.

Many firms report they are doing more training and changing the way they operate to cope with workforce shortages. Forty-eight percent report they are doing more in-house training while 47 percent report they are increasing overtime hours and 39 percent are increasing their use of subcontractors.

It is important to note, however, that there is not a single labor market for the entire country. In certain parts of the country, West Virginia and Kansas are recent examples, demand for construction is shrinking. And—due to chronic underfunding of our infrastructure—highway and other civil works firms have not experienced as much growth in demand for construction as have other segments. As a result, these firms may be less likely to having difficulty filling positions to meet potential growth in demand for their services.

Yet the bottom line is that many construction firms across the country are facing significant workforce shortages, especially within the largest segment of the workforce, hourly craft workers. These shortages are forcing firms to increase pay and benefits and adopt labor-saving tools and methods.

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Yet these strategies can only go so far for an industry that remains heavily labor intensive. As a result, workforce shortages have the potential to undermine broader economic growth by forcing contractors to slow scheduled work and/or choose not to bid on projects, thereby inflating the cost of new construction.

Construction workforce shortages will not go away without broader changes to the nation's approach to education and workforce preparation. There are a range of steps federal, state and local officials should take to make it easier for school systems, local associations and construction firms to set up recruiting and training programs. These measures include reforming and increasing funding for the Perkins Career and Technical Education Act, enacting comprehensive immigration reform and making it easier to set up charter schools and career academies that teach basic construction skills.

We have been urging Congress and the White House to pair any new infrastructure investments with new workforce measures like the ones we have been calling for. The good news is the President appears to agree. In early June he decided to spend two weeks on what he made clear were related issues, the need to invest in infrastructure and the need to rebuild our construction workforce.

Having the President of the United States make the case for careers in construction is crucial. That is because the broader challenge behind growing workforce shortages is that many potential workers, and their families, are likely to view construction as a profession of last resort. Establishing more career and technical education programs within our school systems will help change these cultural perceptions. But having the President give construction jobs a starring role in our economy is even more helpful.

After all, it is time to stop signaling to children that the only path to success lies through college education.



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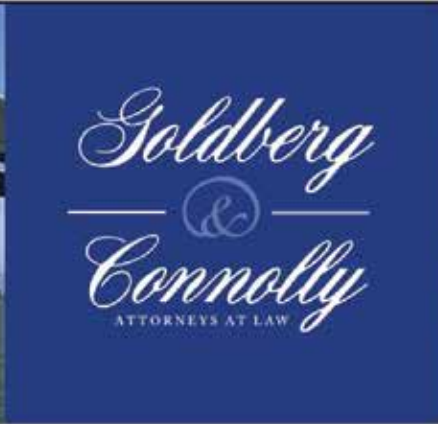
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EVENTS & TRAINING

SEPTEMBER 2017

SEPTEMBER 6

STP Unit 1 - Leadership and Motivation
Rochester

The Supervisory Training Program (STP) developed by AGC, is designed specifically to meet the needs of the construction industry. Developed, updated, and field-tested by and for contractors, the Program consists of 6 courses that focus on the knowledge and skills that every supervisor must have to be an effective manager of people, time, equipment and materials.

This course includes the following sessions, case studies and topics:

- Dollars and Sense of People and Construction: Case Study: The Contractor Who Lost the Bid; improving the bottom line by effective supervision; cost of poor supervision; cost and causes of personnel turnover; learning new jobs, tasks and skills; communication, trust, respect, teamwork, and cooperation.
- The Role of the Construction Supervisor: Case Study: The Confused Supervisor; supervisory leadership and motivation; crew supervisor in the linking pin role; positive discipline.
- Helping People Perform Better: Case Study: The Poorly Motivated Crew; assumptions about people; the performance equation; encouraging external competition and self-improvement; delivering timely training and information; encouraging responsibility and self-control; setting positive expectations.
- Motivation: Case Study: The Worker Who Lost Motivation; general motivational strategies; recognizing personality types; internal motivational techniques; job enlargement and job enrichment; construction supervisor's motivation tool kit.
- Leading Others: Case Study: The Inconsistent Supervisor; leading others; being consistent but flexible; providing consistency; providing flexibility; leadership styles.
- You Get What You Expect: Case Study: The New Crew Supervisor; setting positive expectations; how workers respond to supervisor's behavior; putting the theories to work.
- Positive Feedback: Case Study: The Tough Supervisor; giving positive feedback; benefits of giving positive

feedback.

- Training and Orienting Crew Members: Case Study: The Lead Trainer; orientation and training for new workers; training.

- Teams and Team Building: Case Study: The Team That Didn't Work; why teamwork is important; team types; the construction supervisor's role; phases of team development.

- Leadership Skills in Action: Case Study: The Fleckster Company buyout; review of the course.

Start: September 6, 5:30 p.m.

End: October 25, 7:30 p.m.

Location: Rochester Builders Exchange, 180 Linden Oaks, Suite 100, Rochester, N.Y.

SEPTEMBER 12

STP Unit 1 - Leadership and Motivation
Syracuse

Start: September 12, 5:00 p.m.

End: October 5, 7:00 p.m.

Location: Syracuse Builders Exchange, 6563 Ridlings Rd., Syracuse, N.Y.

SEPTEMBER 14

AGC LEAN Construction Education Program
NYC

Everyone related to the construction process has incentive to get the project done faster and at a lower cost – from the project owners who want to see tangible results for their investment to the contractors and designers who want to do their job well and move on to the next project.

Unit 1: Variation in Production Systems is an introductory course in the Lean Construction Education Program. This half-day, instructor-led course teaches the concept of variation.

Unit 2: Pull in Production is a half-day, instructor-led course that explains the concept of pull as a means to reliable production workflow.

Unit 3: Lean Workstructuring is the first of two units that introduces the Last Planner® System (LPS). This system was developed by the Lean Construction Institute (LCI) to plan projects in a way that produces predictable workflow and rapid learning. This half-day, instructor-led

course describes the process of Lean Workstructuring.

Unit 4: The Last Planner® System is the second of two units introducing the Last Planner® System (LPS). This system was developed by the Lean Construction Institute (LCI) to plan projects in a way that produces predictable workflow and rapid learning. This half-day, facilitator-led course shows how to conduct make-ready and weekly work-planning sessions.

Unit 5: Lean Supply Chain and Assembly is a one-day, instructor-led course that explains the concept of lean supply chain and assembly.

Unit 6: Lean Design and Pre-construction is a half-day, instructor-led course that explains the concepts of value-based management, lean in the design process and relational contracting.

Unit 7: Problem-solving Principles and Tools is a six-hour, instructor-led course that describes the Lean Problem Solving Process and illustrates how to use tools to solve problems in a lean manner.

Start: September 14, 8:00 a.m.

End: November 3, 5:00 p.m.

Location: Pratt Institute, 144 West 14th Street, New York, N.Y.

September 14 – Unit 1, 8:00am-12:00pm & Unit 2, 12:30pm-4:30pm (reg. begins at 7:30am)

September 15 – Unit 3, 8:00am-12:00pm & Unit 4, 12:30pm-4:30pm (reg. begins at 7:30am)

September 28 – Unit 5, 8:00am-4:30pm (registration begins at 7:30am)

September 29 – Unit 6, 8:00am-12:30pm (registration begins at 7:30am)

November 2 – Unit 7, 8:00am-4:30pm (registration begins at 7:30am)

November 3 – Exam Review, 8:00am-12:00pm

OCTOBER 2017

OCTOBER 26

Project Manager Development Program

This program will provide the essential skills of project management through five separate courses. Each highly interactive, 16-hour course will be held over two days providing participants with the necessary knowledge and skills to enhance their ability to work successfully with others to ensure project success. Since 2009, the AGC NYS has graduated over 115 individuals from the program and countless others have taken a few select classes.

Start: October 26, 8:00 a.m.

End: October 27, 5:00 p.m.

Location: AGC NYS, 10 Airline Dr., Suite 203, Albany, N.Y.

NOVEMBER 2017

Associated Schools of Construction Job Fair - Northeast

The ASC Region 1 Student Construction Competition and Job Fair features over 220 of the Northeast's Top Construction and Architecture students on one location. Come see students present in five different categories: Commercial, Heavy/Civil, Design/Build, Pre-Construction and BIM. Sign up for a booth and received a resume book, lunch and meet and greet with the students.

Colleges that attended in 2016 include:

- Alfred State
- Central Connecticut State University
- Clarkson University (HH, PRE)
- CUNY
- Drexel University
- Norwich University
- NYU Tandon School of Engineering
- Penn College of Technology
- Rochester Institute of Technology
- Roger Williams University
- State University of NY-Delhi
- State University of NY-ESF
- The Pratt Institute
- University of Maine
- Utica College
- Vermont Technical College
- Wentworth Institute of Technology

DECEMBER 2017

Construction Industry Conference

Plans are underway for our 31st Annual AGC NYS Construction Industry Conference.

We will be back in Saratoga Springs on December 5-7, 2017 for this informative and popular event.

Do you have ideas of what you would like to see presented? Please contact Karen Morrison ASAP with your suggestions.

The Trade Show will be held on Wednesday, December 6.

Start: December 5, 9:00 a.m.

End: December 7, 1:00 p.m.

Location: The Saratoga Hilton, 534 Broadway, Saratoga Springs, N.Y.

For more information, visit:

AGCNYS.org/calendar

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