

THE FLOW

OCTOBER 2024

Upcoming Events

Nov. 5th
Clay Shoot
Jacksonville Clay Target Sports
12125 New Berlin Road

MORNING SHOOT		AFTERNOON SHOOT	
7:30 AM	Registration	11:00 AM	Registration
8:30 AM	Safety Briefing	11:30 AM	Lunch
9:00 AM	Shotgun Start	12:30 PM	Safety Briefing
11:30 AM	Lunch	1:00 PM	Shotgun Start

Nov. 14th
Top Golf Event
To Benefit Seamark Ranch



6:00 pm
Bay Sponsors \$500
Golfers \$100 Each
Forms on Pages 14 & 15

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PRESIDENT'S MESSAGE

Dear Friends and NUCA members,

It is November. Football is in the thick of their season, hunting season is starting off for many of us, cooler weather is approaching, this a great month to look back at what we have to be thankful for. We are thankful for our monthly sponsors, event sponsors and constant donors. You're steady support has allowed our industry to be protected and progressed.

Thank you to Ring Power for hosting our Next Man Up Equipment Safety Class last Month. Ring Power was a great host with experienced and knowledgeable speakers. The next men and ladies up in the field to operate will be safe and confident from your training. Thank you to Synergy Equipment for sponsoring our young professional's event in October. It is great to have a platform that organizes the future board and executive committee members of our association.

Get Ready for a busy November, with our 13th annual sporting clay challenge November 5th. Please remember to vote early or plan accordingly as this is Election Day. Then put down the shotgun and prep your golf swing for our Top Golf event November 14th where all proceeds are donated to Seamark Ranch. Like I explained last Month, our industry has had pivotal role in the beginning of Seamark Ranch and your support for these children is noble. We are planning to reschedule our finance class this month so be on the look out for an RSVP email once scheduled.

Thank you again for your support and should you need anything, please contact myself or Kathy.

Best regards,

Caleb

Caleb Hurlbert

Project Manager, A.J. Johns, Inc.

O: (904)-641-2055 X 119

churlbert@ajjohns.com

CALENDAR OF EVENTS

2024 NUCA of North Florida

Monthly Sponsors

Diamond Sponsors

National Trench Safety
Sunbelt Rentals
Sunstate Equipment Trench Safety
United Rentals Trench Safety

Platinum Sponsors

Beard Equipment Company
Case Power & Equipment

Gold Sponsors

A.J. Johns, Inc.
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Fortiline Waterworks
Linder Industrial Machinery
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Ring Power Corp.
Synergy Equipment

Silver Sponsors

Gate Fuel Service, Inc.
John Woody, Inc.
Mark Bryan, P.A.
Petticoat-Schmitt Civil Contractors
Rinker Materials

Upcoming Events

Nov. 5th
Clay Shoot

Nov. 14th
Board of Directors Meeting
4:30 pm

Nov. 14th
Top Golf
6:00 pm

Dec. 10th
Executive Committee
Seasons 52

Jan. 14th
Executive Committee
3:30 pm

Jan. 16th
Officer Installation &
Annual Meeting
Maggiano's
6:00 pm

The Law and Your Business

The Law and Your Business – Arbitration Provision in Contract

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

The Owner contracted with Construction Company (“Contractor”). for the construction of a nearly \$2 million new residence, Mr. C owned the Contractor. and executed the subject Builder Contract Agreement as its president.

The Owner filed suit against Mr. C individually, alleging that they paid more than \$1.151 million towards their new home's construction but that the project was effectively abandoned and never completed because Mr. C misappropriated the monies they paid for his personal or other use. Mr. C filed a motion to stay action and compel arbitration. In support of his motion, Mr. C relied upon the arbitration clause within the Builder Contract Agreement, which requires in part:

All controversies and claims between the Owner and Contractor directly or indirectly rising out of or relating to this Contract or this transaction will be settled by binding arbitration in the County where the property is located in accordance with Arbitration Rules of the American Arbitration Association or other Arbitrators who are mutually agreeable to the Parties.

When ruling on a motion to compel arbitration, Florida courts must consider three issues: “(1) whether a valid written agreement to arbitrate exists; (2) whether an arbitrable issue exists; and (3) whether the right to arbitration was waived.”

The Builder Contract Agreement contains an arbitration provision. However, while Mr. C signed the agreement on behalf of Contractor, Mr. C was not himself a party to the contract. Under Florida law, one may not ordinarily compel arbitration “under an arbitration agreement to which he was not a party.”

The contract between the parties, and specifically the arbitration provision itself, determines the issues which must be subject to arbitration. Mr. C wasn't a signatory in his individual capacity.

The Owner and Contractor. agreed to arbitrate all controversies and claims between the Owner and Contractor rising out of or relating to this Contract or this transaction.” Nowhere in the agreement did the Owner consent to arbitration of any claims they may have against Mr. C individually. As a result, the Owner may not be compelled to submit their claims against Mr. C to arbitration.

Florida courts have permitted a non-party to enforce an arbitration provision against a party to the contract in two limited circumstances: “(1) when the signatory's claims allege ‘substantially interdependent and concerted misconduct’ by the signatory and the non-signatory or (2) when the claims relate directly to the contract and the signatory is relying on the contract to assert its claims. In this case, the matter was tried in Court.

SPENCER T. MR. C, Appellant, v. TERRY SURRENCY and MYA SURRENCY

NUCA's "Next Man Up" Training Event at Ring Power's St. Augustine Demo Yard

By Lisa Barber, Ring Power

On Tuesday, October 1, over 30 heavy equipment operators from across North Florida gathered at Ring Power's St. Augustine Demo Yard for NUCA's (National Utility Contractors Association) "Next Man Up" training event. The session aimed to enhance the skills of entry-level operators, with a strong emphasis on safety and best practices in the utility and excavation sectors.

Ring Power provided the equipment for the training, which included a 920 Wheel Loader, a 323 Excavator, and a D3 Dozer. Participants had the opportunity to operate these machines under the guidance of Ring Power Demo Operators Bryce McGuire and Mike Oster. Assisting with the event were Ring Power Sales Representatives Russ Sessions, Shaun Mitchell, Cecil Vignutti, Luke Pritchett, Jeff Osborne, James Branch, Cody Hitchcock, Brad Wiggs, and Steve Yee.

The training covered critical safety topics, such as safety and maintenance inspections, mounting and dismounting machines, machine cleanliness, working on a slope, and preventing rollovers. Bryce McGuire emphasized the importance of maintaining "three points of contact" when entering or exiting machinery. He also guided participants through the machines' safety features, warning lights, and proper use of operator manuals.

A key focus was on performing safety and maintenance inspections consistently at the start of each shift, reinforcing Ring Power's commitment to putting safety first.



WELCOME NEW MEMBER

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

Pritchett Trucking, Inc.

Contact: Sam McLaughlin

Title: Operations Manager

1050 SE 6th Street, Lake Butler, FL 32054

Phone: (386) 496-2630

Cell: (352) 434-7691

Email: smclaughlin@pritchetttrucking.com



PRITCHETT
TRUCKING, INC





2021 IIJA Allocations Lagging

Statistics released by USDOT on Sept. 18 indicate that progress on the 2021 Infrastructure Investment and Jobs Act (IIJA) is still lagging. Three years into the five-year law, just 40% of funds for highway and bridge construction have been announced or allocated. Nearly \$720 billion remains to be disbursed. The \$1.2 trillion IIJA signed into law in November 2021 included \$550 billion in new resources allocated to infrastructure projects. NUCA's advocacy efforts in the next two years are focusing on increased investment timelines for these resources in subsurface water infrastructure projects.

FHWA Sends \$62B In IIJA Funds To States

The Federal Highway Administration (FHWA) announced Oct. 1 it allocated \$62 billion in federal highway formula funds to states to help fund upgrades to highways, bridges, tunnels and other infrastructure around the country.

The Infrastructure Investment and Jobs Act (IIJA) NUCA strongly supported in 2021 continues to deliver resources to the construction industry. The fourth year of funding provides this \$62 billion to states and D.C. to improve highway and bridges in eligible projects. The Administration wrote in its announcement that 60,000 projects have been funded through this law, which must be reauthorized in 2026.

NUCACares.org: Help For Hurricane Relief Efforts

NUCA National and our chapters have organized online relief for several areas devastated by Hurricanes Helena and Milton. NUCA of the Carolinas, NUCA East Tennessee, and our NUCA chapters in Florida have taken the lead for disaster relief in their areas, with others to follow. NUCA National has organized for our industry and association members a new website where you can donate cash resources, offer equipment and materials, and give to reputable charities offering relief to storm victims. Please visit NUCACares.org for more information about how you can help.

Save The Date: NUCA Safety Damage Prevention Conference, Jan. 24-25, 2025

NUCA's annual Safety Damage Prevention Conference (SDPC) offers the unique opportunity for NUCA members involved in safety and damage prevention to hear from experts on a wide variety of topics that impact the industry, and network with others from across the country. This conference also provides an opportunity to address and strategize how members can better navigate complex damage prevention issues. If you're an industry safety professional, mark your calendars for January 24-25, 2025, and plan to attend the SDPC held at the Westin Riverwalk San Antonio, in San Antonio, Texas. Conference registration will open in September.

2025 NUCA Annual Meeting & Exhibit: Hotel Room Block & Early Bird Registration

Fall turns into winter, and winter turns into NUCA's annual membership event! Join us March 18-21, 2025, in sunny Orlando, Florida at the Hyatt Regency Grand Cypress Resort & Spa for the 2025 Annual Meeting & Exhibit! Member contractors & suppliers are invited to join us for the industry's best networking events, new educational sessions, industry awards, and much more. We are honored to announce that Jason Redman, a retired Navy SEAL and inspirational speaker, will be our keynote speaker. Jason's incredible journey is marked by resilience and leadership and his story will motivate and inspire us all. A very special thank you to Gold National Partner Core & Main, our keynote speaker sponsor!

Registration rates for contractor members are our lowest yet! Now through Nov. 8, 2024, the rates are \$765. No discount codes required. The NUCA room block is now open, with early-bird registration available until Nov. 8 (save up to 30% on registration fees!). Mark your calendar now to attend the annual meeting and enjoy the most family-friendly golf resort in Orlando. Registration includes a free shuttle to Walt Disney World & Universal theme parks. For more details, go to nucadigs.com.

SAFETY NEWS

By Jeff Blomgren
Chair, NUCA Safety Director's Forum

Hard Hats vs Helmets

The history of hard hats is interesting. Helmets with chin straps were first used by the Roman Army in 400BC. Tribal leaders wore bronze helmets decorated with horsehair when going into battle even earlier than 400BC. The modern hard hat was first used by salt mine workers in Poland in the 1500s. In 1929 E. D. Bullard patented a hard hat made from steamed canvas, leather, glue and black paint. This hard hat was inspired by the helmets worn by First World War soldiers. Construction of the Golden Gate Bridge was the first big construction project to mandate the use of hard hats. Steel was the material used for these hard hats. Later, hard hats were being manufactured using a variety of materials. Hard hats today are made from high density polyethylene or a polycarbonate resin. In 2023 OSHA announced a switch from the traditional hard hat to the safety helmet equipped with a chin strap. While it is not yet mandated, it is recommended citing improved side impact resistance and secure placement.

Workers who have become accustomed to the wearing of the current hard hat may be reluctant to use the new helmet. Change is always a challenge when implementing a new process. PPE is no different. There will naturally be those who will argue against the use of the helmet, but the issue becomes mute when the prime contractor decides to mandate the use of helmets for any construction done on their worksites. Once the helmets become the standard, workers will adapt. If you are old enough to remember the implementation of seatbelts, there was significant pushback until it became a mandate that carried penalties for nonuse. Statistics have proven that the use of seat belts save lives. It's entirely probable that the use of helmets, once established, will result in a significant improvement in head protection safety.

Trivia Night A Big Hit!

Unfortunately, we had to reschedule our trivia night due to the hurricane but we were able to hold our event on October 17th at the Intuition Bier Hall. The event kicked off with some social time and some light food and beverages. Trivia Nation hosted the event where we played in teams and answered general trivia questions. Music was played and point values were given to the questions. Competition was fierce! The final round involved each team determining how many points to wager on the last question. The trivia champions were the team from Haskell.



Congratulations to (left to right) Phillip Slack, Joe Kaiser, Chris York, Joe Kantor, Bobby Bradley, Paul Gilsdorf & Bill McIlvaine



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The Impact of Pre-Employment Screenings on Workers' Comp Claims

ℋ

Pre-employment screenings are one of the most effective ways to mitigate workers' compensation claims before they even happen. As a contractor, ensuring that you hire individuals who are physically and mentally capable of performing their duties is essential. A thorough screening process can identify potential red flags, such as medical conditions or past injuries, that may increase the likelihood of workplace accidents.

ℋ

For industries like construction, where manual labor and operating heavy equipment are the norms, these screenings are crucial. They not only help protect your workforce but also have a significant impact on your Experience Modification (MOD) rating. Fewer claims mean a lower MOD, which directly correlates with lower workers' comp premiums. Investing in robust pre-employment screenings is a proactive approach to risk management that pays off in long-term savings and a safer workplace.

ℋ

Young Professionals Gather at 5 Points

Hoptingers at 5 Points was the location for the most recent social event for our young professional group. Thank you to Synergy Equipment Pump Division, especially Tanner Bell, for sponsoring this event. It was great to have some first time attendees as well as a number of people who have attended all three events we have held this year. We had several board member attend.

It was a cool venue and we had the entire 2nd floor which included The Decoy room which has two candlepin bowling alleys. The space also had a couple of pool tables. Guests were treated to adult beverages as well as ribs, macaroni and cheese, fried chicken sliders and teriyaki wings. If you have any suggestions or things you would like to see the young professionals do or places you would like to meet, please send an email to nucanf@gmail.com and we will take it to the young professionals committee. The next event will take place sometime in the first quarter of 2025.





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More Trivia Photos





TOPGOLF

**TO BENEFIT SEAMARK RANCH
BAY SPONSOR**

November 14, 2024

\$500

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

Company Name: _____

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

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

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

Name on card: _____ Billing Zip Code _____

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

Return with payment to:

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

NUCA of North Florida, Inc.
Cordially invites you to attend the



TOPGOLF

TO BENEFIT SEAMARK RANCH

Thursday, November 14th, 6:00 pm

Fee includes three hours of golf play and a buffet dinner. Cost is \$100 per player. Space is limited to 60 players.

Name	Company
Phone	

Attendees:

Name: _____
Name: _____
Name: _____
Name: _____

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

Visa/MC/AX: _____ Exp Date: _____

V-Code: _____ Zip Code for Credit Card billing address: _____

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

Name on card: _____

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

Mail or Email this form to: NUCANF, PO Box 16810, Jax, FL 32245,
Ph: 612-8692 Email: nucanf@gmail.com

Site Development Trends + Overcoming Challenges

at Petticoat-Schmitt

In today's fast-paced construction environment, the pressure to deliver projects quickly has never been higher. External factors such as market volatility, regulations, and environmental concerns can significantly impact timelines. Whether it's residential, retail, or industrial, clients frequently ask, "How soon can we start building?" At Petticoat-Schmitt, we are committed to answering this call with speed and without compromising on quality or safety.

ELEVATE20™ is the backbone of our operations, ensuring accountability and collaboration from day one. Each team member is trained in the system, which evolves alongside our projects to drive improvements and reduce waste enabling Petticoat-Schmitt to deliver superior results, even in the face of shifting project demands and unforeseen challenges.

Proactive Planning. Prior to breaking ground on any project, and invaluable in reducing delays due to unforeseen circumstances like material shortages, the Petticoat-Schmitt build team outlines the entire project by:

- » Building Budgets
- » Establishing Purchase & Delivery (PAD) Log
- » Creating a Detailed Schedule
- » Identifying Vendors
- » Generating a Risk and Opportunity Log
- » Tracking Long-Lead Items

"COVID-19 seriously tested us; difficulties in securing materials and allowing for long-lead items became the norm. We pivoted and found ways to circumvent these challenges and, in the process, developed an innovative project approach that has been incredibly successful for us," said Ryan Schmitt.

Smart Scheduling. The TAKT scheduling process helps us align resources and creates a clear roadmap for every project. Regular meetings, clear milestones, and detailed schedules keep us on track while ensuring consistent communication throughout the project lifecycle.

Real Time Decision Making. Communication drives real-time decision-making and problem-solving and ensures the entire team—from leadership to crews on the ground—remains aligned on goals, progress, and challenges.

Reduce Rework. Effective quality control and quality assurance includes a project specific QA/QC plan, a formal closeout plan, completion of as-builts, and O&M manuals outlining operational guidelines. A significant reduction in rework brings projects on-line and generating income quicker for our clients.

Setting New Standards in Site Development. From managing regulatory hurdles to site challenges to addressing supply chain issues, ELEVATE20™ is our tool to ensure projects progress smoothly. Our process assures client expectations are met and allows us to set new standards in the construction industry. By continuously improving, fostering a culture of accountability, and maintaining clear communication, we deliver projects that raise the bar for site development. The future of site development is here. And it's faster, safer, and more efficient than ever before.



The Proof is in the Projects.

Silverleaf Master Planned Community (St. Augustine, FL)

- » Problem: Extensive weather delays & previous site work issues
- » Solution: ELEVATE20™ helped rectify errors and re-phase the project by mobilizing multiple crews and leveraging detailed planning to keep the project on track.

Artea Multi-Family Development (Jacksonville, FL)

- » Problem: Vertical build was delayed
- » Solution: Using the TAKT plan we delivered the project four weeks ahead of the revised timeline

Tamaya Parcel F (Jacksonville, FL)

- » Problem: 46-acre site faced environmental & operational challenges potentially affecting schedule
- » Solution: Applying ELEVATE20™ and TAKT scheduling delivered the project on time/under budget

"ELEVATE20" lets us refine efficiencies, eliminate waste, and enhance communication. It helps us structure more successful projects, which is the ultimate goal." — founder Ryan Schmitt

