



# Construction NEWS



Vol. 36 No. 4

APRIL 2020

\$1.50



## Tradesmen Complete Field Hospital At Westchester County Center

**WHITE PLAINS**—The Building Trades union locals joined together to complete a field hospital at the Westchester County Center in White Plains. The new healthcare facility provides more than 100 fully functional hospital rooms for potential COVID-19 patients in the Hudson Valley. The project took approximately 21 days to complete, according to the North Atlantic States Regional Council of Carpenters. See story, more pictures on page 15.

## State Pegs \$2.6B for NYSDOT Road, Bridge Work in FY 2021

By **JOHN JORDAN**

**ALBANY**—With New York State’s economy on pause until at least May 15—and non-essential businesses shuttered with most residents staying home—the public works sector of construction has benefited with its “essential business” designation and has continued to operate despite supply chain and staffing challenges along with new workplace protocols.

The recently approved \$177-billion FY 2021 new state budget starting April 1 calls for \$6 billion for the New York State Department of Transportation capital plan. This includes \$2.6 billion earmarked for upstate road and bridge project work.

“The good news is that a lot of our work is outdoors, and there are transportation and infrastructure projects on the books along with a backlog that will lift employment once we get past this health crisis,” said Ross J. Pepe, president of the Construction Industry Council of Westchester & Hudson Valley, Inc. “I’m less optimistic six to 12 months from now when New York State will need to clawback as many budgeted dollars as it can. The \$15-billion projected deficit is a budget hole roughly the size of the economies of Rhode

Island and New Hampshire combined.”

Stephen Morgan, secretary of the New York Roadway & Infrastructure Coalition, noted that Gov. Cuomo proposed a two-year NYSDOT capital program instead of the conventional five-year capital program.

“We were hoping to get a five-year plan (similar to the MTA) but with the uncertainty in Washington (DC) because they won’t give us a federal bill and with what’s going on in

Albany with the deficits, he put out a two-year plan with a commitment to do the other part of it later.”

With that said, Mr. Morgan noted that the 2021 NYSDOT budget is approximately \$1.5 billion higher than last fiscal year.

He noted that 80% of the funding comes from the federal government, and that the only potential headwind going forward could be if New York State could not fund its 20% share.

Mr. Morgan recalled that prior to the pandemic, NYRIC members had pressed for a five-year capital program. That term, now planned for two years, still promises a robust letting program in light of the fiscal issues now facing the state.

**Please turn to page 21**

### *Includes \$3 Billion Green Bond Act, Prevailing Wage Mandate*

## Staggering Percentage of U.S. Bridges Need Repair; Some 46,000 Spans Rated ‘Structurally Deficient’

By **JOHN JORDAN**

**WASHINGTON**—While the nation continues to endure work restrictions to prevent the spread of the Coronavirus, a study released in the midst of the global pandemic indicates lawmakers in Washington, D.C. and Albany must also come to grips with the nation’s inventory of poor bridges to protect its citizenry against the forces of gravity.

Cost estimates to repair spans in need of repair or replacement nationwide are

estimated at approximately \$164 billion. In New York State the price tag is a sizeable percentage of that total cost, approaching \$30 billion.

New York State ranked No. 12 in terms of structurally deficient bridges as a percentage of the state’s bridge inventory. The report, published by the American Road & Transportation Builders Association (ARTBA) stated that in New York there are 1,745 structurally deficient bridges (9.9%) of the 17,540 spans. The good news

is that number is down from the 1,964 bridges classified as structurally deficient in 2015.

However, New York State slipped one spot in this category, down from 13 in 2018.

ARTBA reported that New York State ranked No. 7 in terms of the total number of structurally deficient bridges and No. 6 in terms of the percentage of structurally deficient bridge deck area at 10%.

The deck area of structurally deficient bridges accounts for 10.0% of total deck area on all structures. A total of 135 of the structurally deficient bridges are on the Interstate Highway System, another 1,030 bridges are posted for load, which may restrict the size and weight of vehicles crossing the structure.

The state has identified needed repairs on 17,509 bridges at an estimated cost of \$29.8 billion. This compares to 17,423 bridges that needed work in

2015, according to the ARTBA report released on April 12.

Nearly 231,000 U.S. bridges need major repair work or should be replaced, according to ARTBA the analysis. It is based on the U.S. Department of Transportation’s 2019 National Bridge Inventory (NBI) database. That figure represents 37%, or more than a third, of all U.S. bridges.

When placed end-to-end, the length of these bridges would stretch more than 6,300 miles—a distance as a crow flies from New York City to Marseille, France. American drivers cross these bridges 1.5 billion times per day—representing one-third of all daily bridge crossings, according to the data.

More than 46,000 of those bridges are “structurally deficient” and in poor condition. Those spans are crossed 178 million times a day. Notable structurally deficient bridges

include New York City’s Brooklyn Bridge; Washington, D.C.’s Theodore Roosevelt bridge; the San Mateo-Hayward bridge crossing San Francisco Bay—the longest bridge in California; Florida’s Pensacola Bay Bridge and the Vicksburg Bridge in Mississippi.

An additional 81,000 bridges should be replaced, according to ARTBA Chief Economist Dr. Alison Premo Black, who

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# \$10M Westchester Bond Cap Lifted To Streamline Public Works Projects

By **GEORGE DRAPEAU III**

WHITE PLAINS, NY—A measure that will streamline major public works projects in Westchester County became law as part of the new state budget, which began April 1. The law now expands construction, reconstruction or modification of all construction projects above \$10 million to go forward without submission to a public referendum.

In effect, with the bond cap lifted, Westchester can now design and award projects without the need to conduct protracted and costly voter referendums. Construction projects estimated to cost more than \$10 million, however, will still be subject to public hearings.

"The new law passed in this year's state budget avoids the workaround of the unrealistic cap requirement given today's economy and cost of living," said New York State Assemblyman Thomas Abinanti, (D-92) the sponsor of the bill. "No more referendums at all."

Rep. Abinanti added, "This will make it easier to preserve our infrastructure and quickly restart our economy in Westchester County."

Prior to the new law, Westchester was the only county in the state that was required under New York finance law to hold a referendum on capital spending above \$10 million. "I can remember lots of large projects being designed with multi-phase contracts just to stay within the bond cap," Rep. Abinanti added. "This revision expands the scope of capital improvement projects to include roadways, bridges and public building projects—not only the sewer projects and all drinking water projects that were previously exempted."

"The elimination of the new bond limit for the county to build a project that exceeds \$10 million cost in one project phase was the right thing to do," explained John Cooney, Jr., executive director of the Construction Industry Council of Westchester & Hudson Valley, Inc. (CIC). "For the past several years, the bond cap exclusion exempted only water and sewer public works projects. Breaking up significant water and sewer construction work into multiple and separate projects was inefficient and cumbersome. The hard cap removal and new language to include all projects will grant the county the needed flexibility to build projects in a much more timely and cost-effective manner."

The limit of \$10 million was raised from \$5 million in 1983. "The cost of capital project work has increased over the past three and half decades," Mr. Cooney added.

Westchester County Commissioner of Public Works Hugh J. Greechan, Jr., P.E., welcomed the revision. He noted



**Assemblyman  
Thomas Abinanti**

that several projects would have been put off for a couple of years if Westchester had to go out for a referendum. "We're excited to be putting projects together in the five-year capital plan.

You can't get anything done in a sewage treatment plant for under ten million dollars. That's certainly the same with bridgework. Every bridge project will be affected, especially when the roadwork is bundled together."

Commissioner Greechan said the county-planned movable bridge project (estimated at \$25 million) at Glenn Island in New Rockelle will benefit. "This shortens the timetable because now we don't have to wait for the election referendum."

CIC President Ross J. Pepe said, "It's time for a change. Besides the fact that Westchester was the only county to have this requirement, there was always

the risk that an important and much-needed project could be

***"This will make it easier to preserve our infrastructure and quickly restart our economy in Westchester County."***

—NYS Assemblyman Tom Abinanti

rejected by voters."

The unique bond limit was established in 1973 and was

related to a 1973 lease agreement between the County and the Facilities Development Corporation. Since the new limit in 1983, Westchester County has spent hundreds of millions of dollars to improve sewer and sewage treatment facilities and to comply with state and federal requirements. Additional upgrades at similar or higher costs will be required to continue to meet these mandated standards as well as to increasingly replace decaying infrastructure."

For projects greater than \$10 million in engineering estimated cost, these projects must be submitted to public hearing for county approval.



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## GUEST VIEWPOINT

# Now is the Ideal Time To Be Fixing Roadways

By DAVID C. BAUER

WASHINGTON, DC—The COVID-19 outbreak is an unprecedented national challenge that has brought many sectors of America's economy to a grinding, government-mandated halt. Stock markets have fluctuated widely, small businesses are teetering and unemployment claims have soared.

And yet, while most of us stay home, we are still seeing firsthand outside our windows, on television or online, roads being repaved, heavy equipment operating on highways, and bridges being repaired.

That's because many of the nation's governors have deemed such public works construction as "essential," which means the transportation construc-



tion industry we represent has remained active and working in most states.

While our members recognize the significance of their work to all aspects of the American way of life, the safety and

health of our industry workers remain our top priorities. In fact, several features of transportation work allow it to be performed at significantly reduced COVID-19 risk. In the outdoor setting of these projects, social distancing and dispersal of workers are already common and now mandated.

State departments of transportation and other agencies administering projects are working closely with our industry to implement a full range of safeguards against COVID-19 on the job site. Transportation construction firms are adding these protocols to their existing and extensive project site safety practices.

For example, contractors in Massachusetts must complete a daily 17-point checklist of COVID-19 protection measures for each highway project. Transportation agencies in that state also held full-day "safety stand downs" in which all project participants stopped work and reviewed these requirements in detail. Transportation agencies in Kentucky, Tennessee and elsewhere are increasing the use of electronic documents, eliminating the risks of sharing hard copies.

On the project site, employers are using screening questions before anyone enters,

and sick employees are being sent home. As always, workers are fully and properly utilizing Personal Protective Equipment, with excess inventory of N-95 respirators being donated to healthcare facilities in many states. Contractors are regularly directing employees to clean and disinfect tools, supplies and equipment and practice proper hygiene, including frequent hand-washing.

Why is it so important for these infrastructure improvements to move forward?

In 2019, transportation construction generated \$610 billion in economic activity and sustained more than 4 million U.S. jobs. As a recession looms, continued project activity triggers two-pronged economic benefits. In the short term, it creates and sustains construction and related industry jobs and tax revenue. Over the long term, the work builds up capital assets that will enhance economic productivity for many decades by improving supply chain efficiency and providing access to jobs, services, materials, and markets.

Furthermore, transportation infrastructure projects require years of planning and environmental reviews by a myriad of state and federal regulators before they reach the construction phase. Recov-

ering from disruptions in the project pipeline can take years, add costs to public owners and impose hardship on workers.

A number of states are even seizing on the current slowdown in highway traffic to accelerate construction activities. Most notably, Florida just announced plans to complete \$2.1 billion in highway and bridge projects earlier than expected. Similarly, contractors finished repairs to Maryland's Chesapeake Bay Bridge a month earlier than planned. In addition, states such as New Jersey, are moving some of their night work, which is always more dangerous, to daytime hours.

In difficult times, the U.S. transportation construction industry is uniquely equipped to keep working. In partnership with government agencies across the country, companies in this sector are committed to providing healthy workplaces and continuing to build the projects that will help lead our economic recovery.

*About the author: David C. Bauer is the president and CEO of the American Road and Transportation Builders Association. The Construction Industry Council of Westchester & Hudson Valley, Inc., is a New York State Chapter member.*

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## OBITUARY

### Longtime State Assemblyman Richard Brodsky Dies at 73

ALBANY—Richard Brodsky, one of the most powerful state legislators for nearly three decades, passed away on April 8 at the age of 73.

Initial published reports stated that Brodsky died from complications of the Coronavirus, but a family member told the *New York Times* that the longtime lawmaker passed away from a heart attack and had tested negative for the Coronavirus.

A Democrat, Mr. Brodsky was a member of the New York State Assembly from 1983 to 2010 and previously served on the Westchester County Board of Legislators for seven years. He was also an attorney with the Oxman Law Group, PLLC of White Plains, and was a frequent columnist with the *Albany Times-Union* until his passing.

During his time in the New York State Assembly, Mr. Brodsky chaired the Committee on Investigations, the Committee on Environmental Conservation and the Committee on Corporations and championed numerous environmental and public authority-related reform efforts.

"I am deeply saddened by Richard's passing," said a longtime industry association executive, Ross J. Pepe of the Construction Industry Council of Westchester & Hudson Valley, Inc. "Richard and I started out usually on the opposite side of some issue when he was chair of the Westchester



County Board of Legislators' Public Works Committee. Our relationship improved once he became a state assemblyman, and we began to work together on many issues. Eventually, as chair of the Authorities Committee, he became the champion of infrastructure when he and then-Sen. Nick Spano of Yonkers worked like a tag team in both chambers of the legislature and really pushed some work out."

Mr. Pepe added, "Every now and then we would catch up after he left government service and mostly discussed his love for

fishing in the mountain streams and rivers of Montana where his family enjoyed their ranch."

Mr. Brodsky authored major legislation on reform of New York's public authorities, labor relations, environmental protections, the arts and regulation of public utilities. His work has been widely recognized and he received the Nelson Rockefeller Distinguished Public Service Award, the Martin Luther King, Jr. Award, and the Westchester Distinguished Service Medal among others.

Mr. Brodsky also waged unsuccessful campaigns for New York State Attorney General in 2006 and 2010.

As an attorney, he litigated constitutional, administrative, civil rights, commercial and other

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## MTA Issues Emergency Request For \$3.9 Billion in Federal Aid

NEW YORK—The Metropolitan Transportation Authority issued a letter to the New York State Congressional Delegation on April 16<sup>th</sup> immediately requesting \$3.9 billion in federal funding as Congress considers its next COVID-19 relief package.

The MTA also released a new third-party economic analysis by McKinsey & Company examining the expected impact of the COVID-19 crisis on the MTA's operating budget, which projects the full impact of the pandemic to reach up to \$8.5 billion in 2020.

The analysis examines how ridership will be impacted this year when the system begins to rebound, and projects a massive drop in toll and farebox revenue between \$4.7-billion to \$5.9 billion, a significant decline in dedicated state and local tax revenues between \$1.6 billion to \$1.8 billion, and a huge growth in costs associated with customer and employee safety of up to \$800 million.

"I am requesting that the next federal legislation include an additional \$3.9 billion to stem the immediate financial hemorrhaging in the MTA's 2020 operating budget," said MTA Chairman and CEO Patrick J. Foye. "In a few short weeks, the crisis in New York has dramatically worsened and we are projecting significant additional losses as a result of the extraordinary economic downturn facing the region and nation. I thank the New York Congressional Delegation for their leadership in securing the first round of funding and we are once again asking Congress to step up and do the right thing for our millions of customers, tens of thousands of employees and for all of New York and the nation."

Last month, the MTA secured nearly \$4 billion in federal funding through the CARES Act. The COVID-19 crisis has since worsened dramatically in New York, dwarfing initial estimates and requiring a new and detailed economic analysis. Ridership has declined 93% on subways, 95% on Metro-North and 97 percent on the Long Island Railroad with bridge and tunnel crossings declining 62%.

A host of advocacy, labor and business groups joined MTA officials in calling on Congress to deliver for the MTA.

## Longtime State Assemblyman Richard Brodsky Dies at 73

Continued from page 4

cases before federal and state courts. He won an \$18-million jury verdict in the United States Court of Appeals for the Second Circuit, and more than \$200 million in state administrative proceedings. He has successfully argued appellate and trial level cases before all levels of state and federal courts, with an emphasis on environmental, commercial and administrative issues. Mr. Brodsky had served as counsel to labor organizations and business corporations and participated in the

creation and operation of new business ventures in the United States and overseas.

Two of his colleagues in the State Legislature issued statements on Brodsky's passing.

Assemblywoman Amy Paulin, D-Scarsdale, said, "He was strong, he was strong-willed. I'm so sad about it. I can't even express myself."

Assembly Speaker Carl Heastie (D-Bronx) stated, "It was an honor to serve with him and watch as he fought, not just for his constituents, but for all New Yorkers."



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# Regional Bid Alert

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## NYSDOT - Region 8

### Bid Letting Date: April 23, 2020

Brian DeWald, PE  
Assistant Director of Construction  
New York State Department of Transportation  
50 Wolf Road, Albany, NY 12232  
(518) 457-9688

Contract# D264252  
PIN# 881442

Project Description: Orange, Rockland Cos., mowing and litter removal along the Palisades Interstate Parkway and Route 6, various towns.

Bid Deposit: 5% of Bid (~ \$20,000.00)

Goals: MBE: 1.00%, WBE: 2.00%

### Bid Letting Date: April 23, 2020

Brian DeWald, PE  
Assistant Director of Construction  
New York State Department of Transportation  
50 Wolf Road, Albany, NY 12232  
(518) 457-9688

Contract# D264245  
PIN# 804811

Project Description: Columbia Co., HWP Route 203 pavement resurfacing in Columbia County.

Bid Deposit: 5% of Bid (~ \$75,000.00)

Goals: MBE: 12.00%, WBE: 18.00%

### Bid Letting Date: May 7, 2020

Brian DeWald, PE  
Assistant Director of Construction  
New York State Department of Transportation  
50 Wolf Road, Albany, NY 12232  
(518) 457-9688

Contract# D264251  
PIN#881522

Project Description: Westchester Co., resurfacing, ADA curb ramps, traffic signals: Towns of Greenburgh, Mount Pleasant, New Castle and North Castle.

Bid Deposit: 5% of Bid (~ \$200,000.00)

Goals: MBE: 8.00%, WBE: 13.00%

## NYSDOT - Region 10

### Bid Letting Date: June 18, 2020

#### Preliminary Notice

Brian DeWald, PE  
Assistant Director of Construction  
New York State Department of Transportation  
50 Wolf Road, Albany, NY 12232  
(518) 457-9688

Contract# D264254  
PIN# 0903.57 – Rotating Beacon Replacement Project at Republic Airport F.A. Project

Project Description: The New York State Department of Transportation (NYSDOT) is administering a federal grant from the Federal Aviation Administration (FAA) for replacing a Rotating Beacon at Republic Airport. The proposed project is located at the Republic Airport, located in the Hamlet of East Farmingdale, Town of Babylon, Suffolk County, NY. NYSDOT is the owner of Republic Airport.

This Rotating Beacon Replacement Project includes the installation of a new rotating beacon, a new foundation, and approximately 4,500 feet of new conduit, cables and controlling wiring. The new beacon will be installed along Taxiway Charlie, while the existing beacon located on Hangar 4 will be decommissioned. This project will increase operational safety and meets current FAA design criteria.

#### Schedule

The current project schedule is as follows:

- PSE – March 19, 2020
- Publish Ad (6 week) – May 6, 2020
- Pre-Bid Meeting – Monday, May 18, 2020 at 10:00 a.m. – Republic Airport (FRG), 7150 Republic Airport Road, East Farmingdale, NY 11735 (Main Terminal, Suite 201)
- Letting – June 18, 2020
- Completion Date – December 31, 2020 (anticipated)

Bid Conditions:

- Funding/Goals – This project is Federally funded, from a Federal Aviation Administration (FAA) grant. 5.1% DBE Goals will apply.
- The project is located within the airfield side of the airport. Specific accessibility information and procedures will be provided in the contract bid documents. The Contractor will have to coordinate with the Airport's Operations Manager for site access.
- This project requires close coordination with Republic Airport. The contractor must coordinate and schedule their construction activities with the Airport's Manager and Engineer-in-Charge.

- The Contractor shall adhere to the Construction Safety and Phasing Plans (CS&PP), as provided with the contract bid documents.
- Liquidated Damages are proposed for runway and taxiway closures.
- Limited night work when work occurs within the runway safety area of Runway 14-32. Night-time runway closures only permitted between the hours of 11 pm and 6 am.
- Construction work requires some direction drilling under Runway 14-32, Taxiway A, and Taxiway C.
- Project Bid Deposit = \$75,000.

## NYSDOT - Region 11

### Bid Letting Date: April 23, 2020

Brian DeWald, PE  
Assistant Director of Construction  
New York State Department of Transportation  
50 Wolf Road, Albany, NY 12232  
(518) 457-9688

Contract# D264301  
PIN# XM2047

Project Description: Richmond Co., 2.1 miles of asphalt concrete rehabilitation on Interstate 278 in New York City.

Bid Deposit: 5% of Bid (~ \$375,000.00)

Goals: MBE: 12.00%, WBE: 18.00%

## NYS Thruway Authority

### Bid Due Date: April 22, 2020

Contract: Amendment No. 2  
TANY 20-3B/D214773

Project Description: Steel Repairs to Brookside Road Bridge at MP 74.17 in Ulster County.

Goals: MBE- 3% WBE- 5% SDVOB- 1%

Bid Deposit: \$40,000.00

## NYS Dormitory Authority

### Bid Due Date: April 28, 2020

Title: City University of New York, Hunter College, North, East, West, and Thomas Hunter Hall Building Façade Repairs and Associated Asbestos Abatement

Contract: CR46 General Construction

Project Number: 3454809999

Sealed bids for the above Work located at Hunter College, 695 Park Avenue, New York, New York 10065 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS – DOMINICK DONADIO." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

Individuals and entities submitting bids in person or by private delivery services should allow sufficient time for processing through building security to assure that bids are received prior to the deadline for submitting bids. All individuals who plan to attend bid openings will be required to present government-issued picture identification to building security officials and obtain a visitor's pass prior to attending the bid opening.

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on April 28, 2020 will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY's website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Yunjung Lee, Project Manager, 695 Park Avenue, North Building C001, New York, New York 10065, 212-439-9384, ylee@dasny.org (the Owner's Representative) and DASNY at [contracts@dasny.org](mailto:contracts@dasny.org). Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting was scheduled on March 25, 2020 at 10:00 AM at Hunter College, North Building Lobby, 695 Park Avenue, New York, New York 10065. Contact Yunjung Lee at 212-439-7958. All prospective bidders are strongly encouraged to attend.

Prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated May 1, 2018 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid.

A complete set of Contract Documents may be viewed and/or purchased online from Camelot Print and Copy Centers. Only those Contract Documents obtained in this manner will enable a prospective bidder to be identified as an official plan holder of record. DASNY takes no responsibility for the completeness of Contract Documents obtained from other sources. Contract Documents obtained from other sources may not be accurate or may not contain addenda that may have been issued. In addition, prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated May 1, 2018 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid. The plan holders list and a list of interested subcontractors and material suppliers may be viewed at DASNY's website; <http://www.dasny.org>. For Bid Opportunities and other DASNY related news, follow us on Twitter @NYS\_DASNY and Facebook <https://www.facebook.com/pages/DASNY-Dormitor-Authority-of-the-State-of-New-York/307274192739368>.

### Bid Due Date: May 5, 2020

Title: City University of New York, Queens College, Gertz Hall Renovation and HAZMAT Removal

Contract: CR11 General Construction

Project Number 3400609999

Sealed bids for the above Work located at Queens College, Gertz Hall, 65-30 Kissena Boulevard, Flushing, New York 11367 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS – DOMINICK DONADIO." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

The Dormitory Authority of the State of New York ("DASNY") has determined that its interest in obtaining the best work at the lowest possible price, preventing favoritism, fraud and corruption, and other considerations such as the impact of delay, the possibility of cost savings advantages and any local history of labor unrest are best met by use of a Project Labor Agreement ("PLA") on this Project. The successful low bidder, as a condition of being awarded this Contract, will be required to execute the PLA described in the Information for Bidders and included in the Contract Documents. See Section 18.0 of the Information for Bidders of the Contract Documents for additional information. All subcontractors of every tier will be required to agree to be bound by the PLA.

Individuals and entities submitting bids in person or by private delivery services should allow sufficient time for processing through building security to assure that bids are received prior to the deadline for submitting bids. All individuals who plan to attend bid openings will be required to present government-issued picture identification to building security officials and obtain a visitor's pass prior to attending the bid opening.

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on May 5, 2020 will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY's website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Esteban Flores, Sr. Field Representative, 65-30 Kissena Boulevard, Flushing, New York 11367, 718-997-4954, eflores@dasny.org (the Owner's Representative) and DASNY at [contracts@dasny.org](mailto:contracts@dasny.org). Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting was scheduled on Tuesday, April 14, 2020 at 12:00 PM at Queens College, DASNY Field Office, Gate #3, 65-30 Kissena Boulevard, Flushing, New York 11367. Contact Esteban Flores are 518-461-4153. All prospective bidders are strongly encouraged to attend.

Prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated May 1, 2018 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid.

A complete set of Contract Documents may be viewed and/or purchased online from Camelot Print and Copy Centers. Only those Contract Documents obtained in this manner will enable a prospective bidder to be identified as an official plan holder of record. DASNY takes no responsibility for the completeness of Contract Documents obtained from other sources. Contract Documents obtained from other sources may not be accurate or may not contain addenda that may have been issued. In addition, prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated May 1, 2018 that contain significant revisions from those documents previously contained in DASNY's

Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid. The plan holders list and a list of interested subcontractors and material suppliers may be viewed at DASNY's website; <http://www.dasny.org>. For Bid Opportunities and other DASNY related news, follow us on Twitter @NYS\_DASNY and Facebook <https://www.facebook.com/pages/DASNY-Dormitor-Authority-of-the-State-of-New-York/307274192739368>.

### Bid Due Date: May 13, 2020

Title: Office of Mental Health, Creedmoor Psychiatric Center, Building 21 Renovation and Asbestos Abatement

Contract: CR18 General Construction

Project Number 3421909999

Sealed bids for the above Work located at Creedmoor Psychiatric Center, 80-45 Winchester Boulevard, Queens Village, New York 11427 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS – DOMINICK DONADIO." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

The Dormitory Authority of the State of New York ("DASNY") has determined that its interest in obtaining the best work at the lowest possible price, preventing favoritism, fraud and corruption, and other considerations such as the impact of delay, the possibility of cost savings advantages and any local history of labor unrest are best met by use of a Project Labor Agreement ("PLA") on this Project. The successful low bidder, as a condition of being awarded this Contract, will be required to execute the PLA described in the Information for Bidders and included in the Contract Documents. See Section 18.0 of the Information for Bidders of the Contract Documents for additional information. All subcontractors of every tier will be required to agree to be bound by the PLA.

Individuals and entities submitting bids in person or by private delivery services should allow sufficient time for processing through building security to assure that bids are received prior to the deadline for submitting bids. All individuals who plan to attend bid openings will be required to present government-issued picture identification to building security officials and obtain a visitor's pass prior to attending the bid opening.

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on May 13, 2020 will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY's website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Fitz Robertson, Regional Project Manager, One Penn Plaza 52nd Floor, New York, New York 10119, 646-210-1559, froberts@dasny.org (the Owner's Representative) and DASNY at [contracts@dasny.org](mailto:contracts@dasny.org). Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting was scheduled on Wednesday, April 22, 2020 at 10:30 AM at 80-45 Winchester Boulevard, Building 21, Queens Village, New York 11427. Contact Fitz Robertson at 646-210-1559. All prospective bidders are strongly encouraged to attend.

Prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated May 1, 2018 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid.

A complete set of Contract Documents may be viewed and/or purchased online from Camelot Print and Copy Centers. Only those Contract Documents obtained in this manner will enable a prospective bidder to be identified as an official plan holder of record. DASNY takes no responsibility for the completeness of Contract Documents obtained from other sources. Contract Documents obtained from other sources may not be accurate or may not contain addenda that may have been issued. In addition, prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated May 1, 2018 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid. The plan holders list and a list of interested subcontractors and material suppliers may be viewed at DASNY's website; <http://www.dasny.org>. For Bid Opportunities and other DASNY related news, follow us on Twitter @NYS\_DASNY and Facebook <https://www.facebook.com/pages/DASNY-Dormitor-Authority-of-the-State-of-New-York/307274192739368>.

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**Attorney's Column**

# Contractual Issues In the COVID-19 Era

By THOMAS H. WELBY, P.E., ESQ. and GREGORY J. SPAUN, ESQ.

Typically, this column reports on recent decisions of our courts, in an effort to summarize recent developments in the law or, just as often, situations in which tried and true principles of law are applied to everyday situations in the construction industry. However, these times are far from typical, and deviating from this format to provide timely information is clearly warranted.

**Force Majeure**

Force majeure is a French term meaning “superior force.” In the law, it is defined as an event or effect that can be neither anticipated nor controlled;



an unexpected event that prevents someone from doing or completing something that he or she had agreed or officially planned to do. Essentially, it's a legal excuse for not doing something you're otherwise under a contractual obligation to do. If properly triggered, the contractor would be entitled to an extension of time until the force

majeure event passes. Often such events are termed an “Act of God.”

Force majeure, unlike many concepts in the law, is not a common law concept but, rather, a creation of contract. So, in order to invoke the concept for relief, the operative language needs to be written into the contract from which you are seeking relief. Further, under the Court of Appeals' holding in *Kel Kim Corp. v. Cent. Markets, Inc.* (70 NY2d 900 [1987]), the event which would trigger the clause has to be listed in the contract. Essentially, at the time you draft the contract, you must anticipate the unknown.

When a party seeks relief

***When a party seeks relief under a force majeure clause, the burden of proof is on the party seeking relief. When dealing with a global pandemic where there are governmental mandates shutting down construction sites, that burden is easy to meet—provided that the required language is in the contract.***

under a force majeure clause, the burden of proof is on the party seeking relief. When dealing with a global pandemic where there are governmental mandates shutting down construction sites, that burden is

easy to meet—provided that the required language is in the contract. However, beware that when reviewing your contract for the provision, the relevant language may not be called a force majeure clause. Rather the language is often found in the delay provision. So, once you've found the clause, the first thing you must ascertain is whether the clause is narrow, or broad.

An example of a broad force majeure clause (found in a delay provision of a contract) is contained in the AIA A201 General Conditions (both the 2007 and 2017 versions), which provides that:

If the contractor is delayed at any time in the commencement or progress of the work by... *unusual* delay and deliveries, *unavoidable casualties* or *causes beyond the Contractor's control*... or by *other causes that the architect determines may justify delay*, then the contract time shall be extended by change order for such reasonable time as the architect may determine.

By using broad terms such as those highlighted above, an event such as the current COVID-19 pandemic would be considered to be included, yet one would not have had to specifically foresee this specific event. Further, this language avoids the danger of trying to create a comprehensive list, which nevertheless misses something. Typically, narrow force majeure clauses take this approach, or only list a few events that someone thinks are likely to happen. One such example of a narrow clause is found in the New York State Office of General Services standard form, which provides that “Force majeure includes ... actions of the elements, floods, or other similar causes beyond the control of the contractor.” While no clause will reference COVID-19, this clause doesn't even mention epidemics, generally. A clause such as this would prove of little value in today's crisis.

**Other Relevant Provisions**

Unlike force majeure provisions, which provide only for an extension of time for performance, delay provisions may also provide for financial

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# Louis G. Nappi Construction Labor-Management Scholarship To Award \$85,000 to College Students in Hudson Valley

TARRYTOWN, NY—Want a college grant to study the hard sciences?

Every year at this time, dozens of Hudson Valley students apply for a construction industry scholarship that awards \$5,000 grants for their undergraduate and graduate studies in mathematics, the sciences, engineering and technology.

Grant applications for the 2020-21 Louis G. Nappi Construction Labor-Management Scholarship Fund are now available. To see if a student qualifies and to apply, visit [www.cicnys.org](http://www.cicnys.org). The deadline for application is May 15, 2020.

The scholarship, which is a major construction industry financial-aid program, was established in 2009 by Louis G. Nappi (1920-2014), a former Chairman Emeritus of the Construction Industry Council of Westchester & Hudson Valley, Inc. It was his vision that the hard sciences of mathematics and engineering were keys to re-establishing the U.S. as a world leader in construction infrastructure.

Comprising representatives from both labor and management, the Louis G. Nappi Scholarship Committee carefully selects candidates who exemplify the high scholastic and personal standards needed to advance in the construction and building industries.



Louis G. Nappi Scholarship Committee members join the Class of 2019 grant winners: (from left) Business Manager Anthony Ascencao, Heavy Construction Laborers L.U. 60; Phillip Benza, Arben Group, LLC; Joe Sansone, Teamsters L.U. 456; and Scholarship Committee Chairman Bill Mascetta of Transit Construction Corp. Students standing, from left: Andrew Kurth, Madison Highbloom, Alyssa Mangone, Ryan Danyluk, Samantha Baker, Albert Rossi, Shaun Gacio and Brandon Visoky. Pictured fourth from right, CIC President Ross J. Pepe; Thomas H. Welby, P.E., Esq., Welby, Brady & Greenblatt; Dean DiNatale of Pinnacle Associates, Ltd., (grandson of Louis G. Nappi); and Business Manager Jeffrey Loughlin of Operating Engineers L.U. 137. Students seated, from left: Joseph Calandrucci, Juliet DeNapoli, Sebastian Arreola, Taylor Reilly, Noah Rodriguez and Melanie Anaya. Students each received \$5,000 grants for the 2019-20 academic year to attend colleges and universities.

Photo by Margaret Fox

“This scholarship award is a living testimony to Louis Nappi,” said Ross J. Pepe, president of the Construction Industry Council, of which Nappi was chairman from 1986 to 1991. “Lou Nappi’s commitment to engineering and science lives on today in these scholarships and through you. Giving you the financial assistance to pursue higher education and advanced degrees, Mr. Nappi believed the future of the nation’s construction and building industries would regain its global competitiveness and

preeminence,” Mr. Pepe said.

Scholarship Committee Chairman William Mascetta, president of Transit Construction Corp. of Mount Vernon, N.Y., stressed the importance of going into the field, to learn practical skills, and avoid “digital distraction.”

“In this age of technology and unfettered access to information, technology has advanced so far in such a short period of time and we all rely on it very heavily,” Mr. Mascetta said. “We’re more comfortable seeing things on a

phone or tablet screen and not getting out there and touching and feeling the projects we’re building. That’s a responsibility that falls on the shoulders of everyone: you the students and we as members and owners in the construction industry.”

This year marks the 11<sup>th</sup> anniversary of the Louis G. Nappi Scholarship Fund, which since its inception has awarded more than \$600,000 to more than 120 students. Most of the candidates live in the seven-county region of the lower Hudson Valley – West-

chester, Putnam, Dutchess, Columbia, Ulster, Orange and Rockland – and are related to employees of CIC-member companies or affiliated unions. The participating labor unions are Laborers International Union of N.A. Local 60, International Union of Operating Engineers Local 137, and the International Brotherhood of Teamsters Local 456.

For more information on the program and applications, also contact Karen Zedda at (914) 631-6070 (o), (914) 494-4747 (m), or email to [Karen@cicnys.org](mailto:Karen@cicnys.org).

# We Believe In You.



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Anthony Ascencao.....Business Manager  
 Frank Bisignano.....President / Training Director  
 Vincente Mendoza..... Vice President  
 Michael Moreira ..... Secretary Treasurer / Field Representative  
 Jacinto Fragoso .....Recording Secretary / Field Representative  
 Andrew Ferraro.... Executive Board Member / Training Instructor  
 Carlos Gonzalez..... Executive Board Member

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## Economic Outlook

# Likely Long-Term Impacts Of COVID-19's Short-Term Disruptions

By MICHAEL J. PATON

The impact of the COVID-19 outbreak is being felt across all dimensions of work and life in the U.S. The fallout has just begun to batter the broader U.S. economy, its labor markets, consumer confidence and income. The commercial real estate market will feel its effects acutely. For example, the commercial mortgage-backed securities sector while currently stable, have many predicting a wave of loan defaults in the retail, hotel and office markets.

Initial reports, indeed, are pointing to rising loan defaults and losses, although their magnitude and distribution are less certain. With the virus bringing the tourism and travel industry to a screeching halt, some reports are predicting a cumulative loan default rate approaching 35% in that industry. Similarly, many retail businesses are facing forced closures as restaurants are either closed or doing take-out business only. Retail could see loan default rates rise to 16%.

On the other end of the spectrum, the multifamily and industrial markets should likely be the least affected by the coronavirus outbreak, at least in the short run. With most people spending significantly more time in their homes, the surge in e-commerce is supporting the demand for industrial space. Office space may be protected by long-term leases, despite most offices currently sitting empty. However, with the transition to work-from-home setups for many businesses, this sector may face troubles in a longer-term scenario. Although it is very early in the crisis, the following may be expected:

- The impact of travel restrictions, event cancellations and individuals' reticence to travel has been immediately felt in the hospitality sector. In the short term, occupancy rates will fall sharply.

- Retailers must prepare to navigate a period of elevated risks to cash flow and increased operational costs arising from a slump in consumer demand and disruption to supply chains.

- Disruption to global supply chains is the main effect on the industrial and logistics sector. This outbreak may accelerate the use of automation and robots in operations and reduce the sector's reliance on labor. The move to online shopping, especially for groceries, could become more permanent and, in turn, boost demand for logistics space.

- The viral outbreak could put greater pressure on office markets, which are already in a late stage of their cycle, creating the potential for a delay to investment activity and softer rental growth than previously



forecast. An increase in remote working is likely to reduce office utilization rates, while landlords with exposure to short-term leases will be the most vulnerable. Over the longer term the outbreak will probably fast track the adoption of

remote working and investment into collaborative technologies.

- The U.S. stock market has been surprisingly resilient during this period. After an initial selloff that brought the markets down as much as 35% from their highs in mid-February, the recovery has been most impressive. Investors should be wary however, as most of the recovery has been focused on the emotional aspects of coming out the other side of the pandemic, and not what the fundamental economic impact will be once we are through to the other side.

On the plus side has been the government's fiscal response to

***The largest impact of COVID-19 is undeniably human. The outbreak will further highlight the evolution of how we work, live and play. The living sectors, from residential, student housing and co-living to senior/healthcare, are all closely bound-up in the way we behave and interact.***

the crisis. The massive \$2-trillion measure approved by

Congress is aimed at helping laid-off workers, financially strapped companies and a stressed health care system. Billions of dollars could go for infrastructure or other construction, including hospitals, airports and transit systems. Other provisions would provide loans to help small businesses of all types, including engineering and construction firms, and direct payments to individuals. The 880-page bill includes a \$170-billion windfall for real estate investors. In it is a provision that

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# Next Gen Leaders



*Profiles of the Industry's New Generation*



## David Glaittli

### EMPLOYER & CURRENT POSITION

Kiewit Constructors  
Woodcliff Lake, NJ.  
Engineer One

### AGE

22

### ACHIEVEMENT

Louis G. Nappi Scholarship, 2015

### EDUCATION

BS Engineering  
Hofstra University, Hempstead, NY (2019)

### FAVORITE COURSE OR SUBJECT

Concrete and Design, Soil Mechanics

### ON THE CHOICE OF PROFESSION

"I have always loved building things—woodworking, working with my hands, making things."

### INSPIRATION

"Watching my Dad make things. He was very handy."

### WORDS OF WISDOM

"Engineering is a tough row to hoe but 100% worth the effort."

### GREATEST ACCOMPLISHMENT SO FAR

"Finishing my degree, during which I got a lot of family support."

### GOAL

"In five years, I would like to be managing and running a project."

### OUTSIDE INTERESTS

"I enjoy woodworking, building furniture and remodeling around the house."

*Researcher and Writer—Alan Kennedy*

### The Louis G. Nappi Labor-Management Scholarship Program was named in honor of CIC Chairman Emeritus Louis G. Nappi.

Since the inception of the Louis G. Nappi Construction Labor-Management Scholarship Fund in 2009, more than \$600,000 has been awarded to 66 students sharing in a total of 153 grants over the years. This financial support has made possible tuition aid to attend some 43 colleges and universities throughout the United States.

*"By awarding these scholarships, it is our vision—with labor and management united—to encourage the brightest students to consider and pursue careers in construction and engineering."*  
—Louis G. Nappi, 1920 – 2014

### L.G.N. Scholarship Committee

**William Mascetta**  
Scholarship Committee Chairman  
Transit Construction Corp.

**Anthony Ascencao**  
Heavy Construction Laborers L.U. 60

**Phillip Benza**  
Arben Group LLC

**Dean DiNatale**  
Pinnacle Associates, Ltd.

**Edward Doyle**  
Building & Construction Trades Council  
of Westchester & Putnam, Inc.

**Jerry Keahon**  
Eastern Concrete Materials, Inc.

**Jeffrey Loughlin**  
Operating Engineers L.U. 137

**Ross J. Pepe**  
**Matthew Pepe • Karen Zedda**  
Construction Industry Council  
of Westchester & Hudson Valley, Inc.

**Louis Picani**  
Teamsters L.U. 456

**Thomas H. Welby, Esq., P.E.**  
Welby, Brady & Greenblatt, LLP



## Insurance Advice

# Staying on Track Amid the Pandemic Crisis

By JACK FRAZIER

“When disaster strikes, a comprehensive insurance program can be a lifeline.” No truer words have ever been spoken. But unlike a static one-strike catastrophe such as fire, flooding, a super storm or earthquakes—when losses occurred resulting from a one-time event—this pandemic ushers open-ended terms like “ongoing” and “continuous” by our leaders and experts. Timelines of 12 to 18 months portend a future that can only be described as “The New Abnormal.”

As businesses struggle to find pathways back to full operation—and return to what effectively will be the new business environment for everyone—there are steps you can take to ensure all the parts of your insurance lifelines work for you in ways never imagined.

### Insurance Payments - Grace Period

For starters, consider your liquidity needs. Your cash is king, president and governor all rolled into one, right? After you’ve accessed your current cash position, consider your accounts payable going forward starting with your insurance payments. If you are an individual or small business and can demonstrate financial hardship as a result of the COVID-19 stop-work order, the Executive Order issued by Gov. Andrew Cuomo on March 29, 2020, together with recent amendments to the insurance and banking regulations issued by the New York State Department of Financial Services, extend grace periods and give you other rights under certain property/casualty insurance policies in this pandemic. These grace periods and rights are currently in effect but are temporary, though they may be extended further. The regulations for policies written with Excess Lines (non-admitted) carriers vary.

A business qualifies as a “small business” if it resides in New York State, is independently owned and operated, and employs 100 or fewer individuals. If you are a small business, only certain types of commercial lines of property/casualty insurance policies are covered by these amendments, such as property, commercial general liability, special multiperil, workers’ compensation, commercial auto, and commercial umbrella insurance.

If you, as an affected policyholder, are unable to make a timely premium payment due to financial hardship as a result of COVID-19, you may submit to your insurer or premium finance agency, as applicable, a legal statement that you are experiencing financial hardship as a result of the COVID-19



crisis. As such, the insurer or premium finance agency, as applicable, is now permitted to accept this as satisfactory proof. Again, the regulations for policies written with Excess Lines (non-admitted) carriers vary.

### General Liability & Workers’ Compensation Exposures

Declines in payroll and sales in the construction industry, which have resulted from jobsite shutdowns and work stoppages, have now prompted insureds, brokers and carriers to navigate these uncharted waters together as never before. Rather than make an overreaching decision for their entire portfolio, many carriers have chosen to consider changes in policy terms, exposures, and minimum premiums on a case-by-case basis in an effort to accommodate individual situations.

### Project Insurance Terms And Extensions

Many contractors purchase project specific, wrap-up or builders’ risk policies, which are written on a term to coincide with the project schedule. If, due to COVID-19, you expect your project to be delayed, now is the time to discuss the necessary extension.

### Workers’ Compensation

OSHA is treating COVID-19 infections as reportable incidents on a limited basis when there may be evidence that the employee was exposed to the virus at their workplace. The issue of exposure on the jobsite then leads to the question of liability on behalf of the employer to provide a safe-work environment. While it’s still too early to say how this will be resolved, it’s certainly reasonable to expect that there will be legal actions taken that allege failure to provide a safe work environment should an employee or the general public be exposed to the virus. Reports of plaintiff legal acts can now be heard on the airwaves that will plant the seeds of new opportunism amid this crisis, and therefore requiring enterprises to respond through costly legal defense.

### Claim Reporting

Insureds are encouraged to report any claim that they

feel may be appropriate. Every claim should be handled on its own merits, and various state governments have begun to ask insurers to re-view their business interruption coverage positions and limits exposed across their book of business. The implication of this action could be that states may look to compel some level of coverage from insurers regardless of policy provisions.

### Surety

In normal times, surety bond premium payments are billed for and paid upon collection of the first or second requisition (depending on contract terms) by the contractor. Surety providers will defer premium collection on halted jobs for bonds that have been issued where the premium has not been billed for, or collected by, the contractor. In addition, your surety provider should be amenable to accepting payment terms for all outstanding premium collections should that be required. It is important to remember that surety credit is a relationship business and as a result many providers will work with their contracting partners to ensure they can

sustain their businesses in this difficult time. Actively working with your surety broker is very important in these uncertain

premiums due to COVID-19, early engagement with your broker is the key to developing a solution.

***Declines in payroll and sales in the construction industry, which have resulted from jobsite shutdowns and work stoppages, have now prompted insureds, brokers and carriers to navigate these uncharted waters together as never before.***

times to set expectations and provide timely information to your surety provider.

### Foreseeable Insurance Policy Refunds and Credits

While the terms and conditions of the insurance policy, including minimum premiums, are based on the policy language, underwriters sometimes have the ability to amend the policy language to react to circumstances which were unexpected at the time the policy was written. If you believe that your sales or payroll exposures will not support meeting minimum

*Jack Frazier has more than 30 years of experience in the New York construction insurance industry. Having earned the trust of both management and labor organizations, he has been instrumental establishing successful risk management and insurance solutions for his clients.*

Resources at a Glance  
New York Department of Financial Services  
COVID-19 Updates:  
<https://www.dfs.ny.gov/consumers/coronavirus>

Executive Order-Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency:

<https://www.governor.ny.gov/news/no-20213-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

New York Department of Financial Services Payment Regulations/Amendments:

[https://www.dfs.ny.gov/system/files/documents/2020/03/re\\_consolidated\\_amendment\\_405\\_27a\\_27c\\_new\\_216\\_text.pdf](https://www.dfs.ny.gov/system/files/documents/2020/03/re_consolidated_amendment_405_27a_27c_new_216_text.pdf)

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# Union Trades Complete Field Hospital At Westchester County Center

WHITE PLAINS, NY—The North Atlantic States Regional Council of Carpenters (NASRCC) working on the Westchester County Center Alternate Care Facility (ACF) here is being built in partnership with Haugland Energy Group LLC (a division of Haugland Group) and Island Acoustics. The new healthcare facility, which was managed by the U.S. Army Corps of Engineers, provides more than 100 fully functional hospital rooms to accommodate a potential overflow of potential COVID-19 patients in the Hudson Valley. The project took approximately 21 days to complete.

“The men and women of Carpenters Local 279 have a long history of community service, and we are a vital part of the fabric of the Hudson Valley workforce,” said Ed Cooke of NASRCC. “We’re proud of our members for stepping up and working with local partners to complete this project that will benefit those most at risk during the pandemic.”

Construction of the field hospital along Route 119 and the Bronx River Parkway at the Westchester County Center began at the end of March and was substantially complete on April 17. Crews from more than a half-dozen union building trades locals delivered new water and sewer service, new gas, electric and high-speed data and other hospital resource requirements needed in the field hospital.

FEMA directed a \$350 million Mission Assignment to the U.S. Army Corps of Engineers for construction of additional alternate care facilities in New York to expand hospital capacity by approximately 6,000 beds. On Mon., April 13, Westchester County Executive George Latimer said there were about 3,000 hospital beds in the county before any field hospitals were open and outfitted. He noted that the number of hospitalized patients compared to active cases remained manageable at 11.4 percent. Westchester’s hospitals would likely start to see a need to tap the overflow capacity if that figure climbed to 17 to 20 percent of patients.



Members of Local 279 set up testing sites within the hot zones, and built clean rooms for area hospitals and dressing rooms for medical staff to safely prepare and don their personal protective equipment before administering care to sick patients. Photos/ED COOKE







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## Attorney's Column

Continued from page 8

relief. Further, even if there is a no-damage-for-delay clause in the contract, an event like COVID-19 may fall into the "uncontemplated delay" exception to such clauses crafted by the Court of Appeals in *Corinno Civetta v City of NY* (67 NY2d 297 [1986]). Affecting the analysis is whether COVID-19 is the direct cause of the delay (because a governmental directive shut down the jobsite) or an indirect cause (the jobsite is still open, but you are being proactive in reducing your workforce so your employees can "social distance"). The less responsibility that you had for the delay, the more likely that you can build a case for monetary relief.

Similar clauses that could provide monetary relief are price escalation clauses, which could permit recovery for increased costs suffered after a delay of some time. Likewise, a suspension clause, which permits the owner to "pause" the project, can provide the contractor relief in the form of reimbursement for demobilization/remobilization costs. Further, these provisions often give the contractor a "relief valve" in the form of a provision permitting the contractor to terminate in the event that the "pause" exceeds a certain amount of time. A related clause, a termination for convenience by the owner, could also offer the contractor certain termination costs if the owner exercises its rights.

Finally, in the event that none of the foregoing clauses are in your construction contract, a contractor may be able to avail itself of the common law doctrine of impossibility of performance. The impossibility doctrine excuses performance if either the subject matter of the contract is destroyed or, as may be relevant here, the means of performance make performance objectively impossible. Examples of the second situation would be where a crucial supplier of custom goods has gone out of business as the result of an extended COVID-19 closure of its business. Importantly, in order to avail oneself of this doctrine, performance must neither be possible, nor commercially practicable; increased difficulty in performing, alone, is not sufficient.

### Notice Provisions

Typically, the prerequisite for any relief under a contract is to notify the owner. In the context of a contract for a private project, while adherence to contractual require-

ments is required, contractual requirements can be altered by the parties' general course of conduct. However, with a contract for a public works project, adherence to notice provisions is a strict condition precedent, and a failure to give notice in the manner set forth in the contract will result in a forfeiture of the claim. Further, what constitutes notice under a contract, and what constitutes the event triggering the requirement to give notice, varies from contract to contract, and from agency to agency. For instance, the AIA form requires notice to be given within 21 days of the event giving rise to the claim, while the DASNY standard form contract provides that notice be given within 15 days of the commencement of the delay, and the New York City School Construction Authority's standard form provides that notice must be given within two business days of the commencement of the delay.

### Comment

When faced with a situation where your jobsite is either shut down, or is facing reduced productivity, contractors would be well advised to, first and foremost, give notice of the delay and the condition which led to the delay, as well as any other information required by the particular contract. Because the events triggering the notice provisions, and the times for giving such notice, can vary greatly, contractors would be advised, to borrow a phrase, to "notify early, notify often." Further, contractors should track their impacts, showing a causal connection between those impacts and the event of delay, and show the efforts you undertook to mitigate the impacts of the delay (such as trying alternate sources for materials, or alternate methods that may not be as affected by the event of delay). As always, good construction counsel can help you navigate these requirements so that you are in the best possible position after the crisis to recover your costs.

*About the author: Thomas H. Welby, an attorney and licensed professional engineer, is General Counsel to the Construction Industry Council of Westchester and the Hudson Valley, and is the founder of the law firm of Welby, Brady & Greenblatt, LLP, with offices located throughout the Tri-State/Greater Metropolitan Region. Gregory J. Spaun, an attorney and a partner with the firm, co-authors this series with Mr. Welby.*



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**Financial Management**

# CARES Act Offers Ways To Protect Balance Sheets

By PHILLIP ROSS, CPA, CGMA, PARTNER

The current pandemic is forcing the construction industry to deal with unprecedented levels of uncertainty. Construction companies should carefully monitor COVID-19 impacts and be prepared to request the relief and assistance necessary to survive our current economic challenges.

The following are highlights of the CARES Act and some of the most relevant tax provisions for the construction industry:

## Net Operating Loss Rules Provide Tax Refund Opportunity

Any net operating losses incurred in tax year 2018, 2019, or 2020 can now be carried back five years and will not be subject to the 80% limitation. Tax refunds may be available now for 2018 and 2019 losses.

## Payroll Tax Deferral

Employers and self-employed individuals can defer the payment of 50% of the employer's portion of the federal Social Security payroll taxes and 50% of the self-employment taxes due from the date of the



enactment of the act through Dec. 31, 2020. Employers may not be eligible if they apply for certain loan forgiveness.

## Employee Retention Tax Credits

Employers carrying on a trade or business in 2020, which is suspended due to government orders or has seen a decline in gross receipts of at least 50%, can receive a credit for each quarter equal to 50% of the qualified wages with respect to each employee while the business is suspended. Up to \$10,000 of qualified wages per employee is taken into account.

## Business Interest Limitation Relief

The business interest limitation of the Tax Cuts and Jobs Act has increased to 50% (up from 30%) of adjusted taxable income for the years beginning with 2019 and 2020.

Partnerships must continue to use 30% for tax years beginning in 2019, but can use 50% for 2020.

Also, for partners in partnerships, with excess business interest expense in 2019:

- Partners are able to deduct 50% in 2020.
- The remaining 50% is subject to Section 163(j) deductibility rules.

## Qualified Improvement Property for Non-Residential Properties

Qualified Improvement Property is now depreciable over 15 years and eligible for bonus depreciation. This provision also allows for potential tax refunds for prior years.

## Corporate Charitable Contribution Limitations Relaxed

For corporate taxpayers, the

act increases the limitation for 2020 on charitable contributions from 10% to 25% of taxable income.

***Employers carrying on a trade or business in 2020, which is suspended due to government orders or has seen a decline in gross receipts of at least 50%, can receive a credit for each quarter equal to 50% of the qualified wages with respect to each employee while the business is suspended.***

The CARES Act also created the Paycheck Protection Program (PPP).

The Treasury Department further clarified the program. Business owners will need to review this update carefully to determine how it may affect their application and the calculation of their loan amount. Visit the Treasury Department's PPP FAQ link for clarification and additional

information: <https://home.treasury.gov/system/files/136/Paycheck-Protection-Program-Frequently-Asked-Questions.pdf>.

The Treasury Department provided the following clarifications:

- The department provided another method for a business to qualify as a small business eligible for PPP under the SBA's "alternative size standard." A business that has not otherwise qualified may do so by meeting both a maximum tangible net worth test of \$15 million as of March 27, 2020 and an average net income limit of \$5 million over

the previous two fiscal years. If your company failed the 500 or fewer employee test, you may still be eligible to apply for a PPP Loan if you do not exceed these two limits which are defined in the FAQs.

- They clarified the \$100,000 limit per employee in calculating payroll cost. The cap is to be applied only to the cash compensation of each employee and

**Please turn to page 18**



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## Financial Management

Continued from page 17

not to the health or retirement benefits, or state and local taxes assessed on compensation. Therefore, the total benefits costs are added to your payroll costs for the period being used when determining your average monthly payroll costs.

- They clarified that companies that utilize a PEO are eligible for PPP and described what these applicants should provide as documentation.

- They stated that borrowers have the choice of calculating their payroll costs using calendar year 2019 or the previous 12 months. They also clarified that a “new business” is one that was not in business from February 15th to June 30th, 2019. They further stated that in determining headcount for the SBA size test, borrowers may use the average employment over the same time periods used in their payroll cost calculation, or they may use the prior 12 months. Lastly, borrowers should only average the headcount for the months which they have been in business during the chosen measurement period.

- They explained that federal payroll taxes and withholding taxes are to be ignored for all purposes (payroll costs in determining loan amount, the qualified spend during the eight-week benefit period, and also for loan forgiveness).

- They stated that companies who already filed their application for a PPP loan prior to this guidance are not required to amend or update their application. However, if their lender has not yet processed their application, they may revise their application based on clarifications in this FAQ. So, if you would benefit from this new

guidance, contact your lender immediately and inquire if you may revise your application!

Additional federal programs are listed below:

- Main Street New Loan Facility Program
- Main Street Expanded Loan Facility Program
- U.S. Small Business Administration (SBA) Economic Injury Disaster Loan Program
- Exchange Stabilization Fund Loan (ESF) Program

As always, it is best to evaluate all options with your CPA or financial advisor before pursuing a certain course of action to maximize benefits. These relief programs are complex and have been through multiple changes so it is critical to verify that you are working under the most recent guidelines.

*About the author: Mr. Ross, CPA, CGMA is an Accounting and Audit Partner and Chair of the Construction Industry Group at Anchin, Block & Anchin, LLP. For more construction industry thought leadership and content, log on to [www.anchin.com](http://www.anchin.com).*

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## U.S. Bridges Need Repair

Continued from page 1

led the team conducting the analysis. One third of Interstate highway bridges (18,177 spans) have identified repair needs.

The State of Rhode Island ranked the worst in the nation for structurally deficient bridges as a percentage of its bridge inventory, followed by West Virginia, Iowa, South Dakota, Pennsylvania, Louisiana, Maine, Puerto Rico, Michigan, North Dakota and Oklahoma.

The report comes as Congress and the Trump administration continue working on measures to respond to the impacts of the COVID-19 pandemic. ARTBA says once policy makers shift from a rescue focus to economic recovery, robust transportation infrastructure investments have comprehensive benefits.

“Economic recovery from Coronavirus begins with strategic road and bridge improvements,” ARTBA President Dave Bauer said. “Increased transportation investments support direct job creation and retention, while putting in place capital assets that will enhance U.S. productivity for decades to come.”

Mr. Bauer noted the trans-

portation construction industry is not seeking federal assistance, but it should be part of the solution. He said the Senate Environment & Public Works Committee’s July 2019 unanimously approved a five-year highway reauthorization bill that should be the starting point for discussions.

“The sooner we invest in robust new transportation improvements the sooner the American people will experience the economic benefits,” Mr. Bauer added.

ARTBA estimates the cost to make the identified repairs for all 231,000 bridges in the U.S. at nearly \$164 billion, based on average cost data published by the Federal Highway Administration (FHWA.)

The number of structurally deficient bridges declined by 900 compared to 2018.

“At the current pace, it would take more than 50 years to repair America’s structurally deficient bridges,” Dr. Black of ARTBA said. “Our bridge network is underfunded and should be modernized. State and local government just haven’t been given the necessary financial resources to fully address the problem.”



Congratulations to all who build our great country!

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## Economic Outlook

Continued from page 11

allows investors to write down the depreciation on properties beyond the previous limit of \$500,000 a year, according to the *New York Times*. Finally, there may eventually be an additional infrastructure program passed by Congress. That bill is only in the planning stage at present.

More locally, and in New York, certain businesses and individuals facing financial hardship as a result of the COVID-19 were granted a temporary reprieve from the consequences of failing to make loan payments to banks that are subject to the jurisdiction of the New York State Department of Financial Service, pursuant to an executive order signed by the New York governor. In New Jersey, the governor adopted an executive order which places a moratorium on the eviction of homeowners and residential tenants. The moratorium took effect immediately and will remain in effect for no longer

than two months following the end of the COVID-19 pandemic.

The largest impact of COVID-19 is undeniably human. The outbreak will further highlight the evolution of how we work, live and play. The living sectors, from residential, student housing and co-living to senior/healthcare, are all closely bound-up in the way we behave and interact.

The long-term trend towards higher-density living and increased collaboration spaces has potentially heightened the risks of transmission, and policy makers will need to develop mitigation protocols for the foreseeable future.

*About the author: Michael J. Paton is a portfolio manager at Tocqueville Asset Management L.P. He joined Tocqueville in 2004. He manages balanced portfolios and is a member of the fixed-income team. He can be reached at (212) 698-0800 or by email at MPaton@tocqueville.com.*

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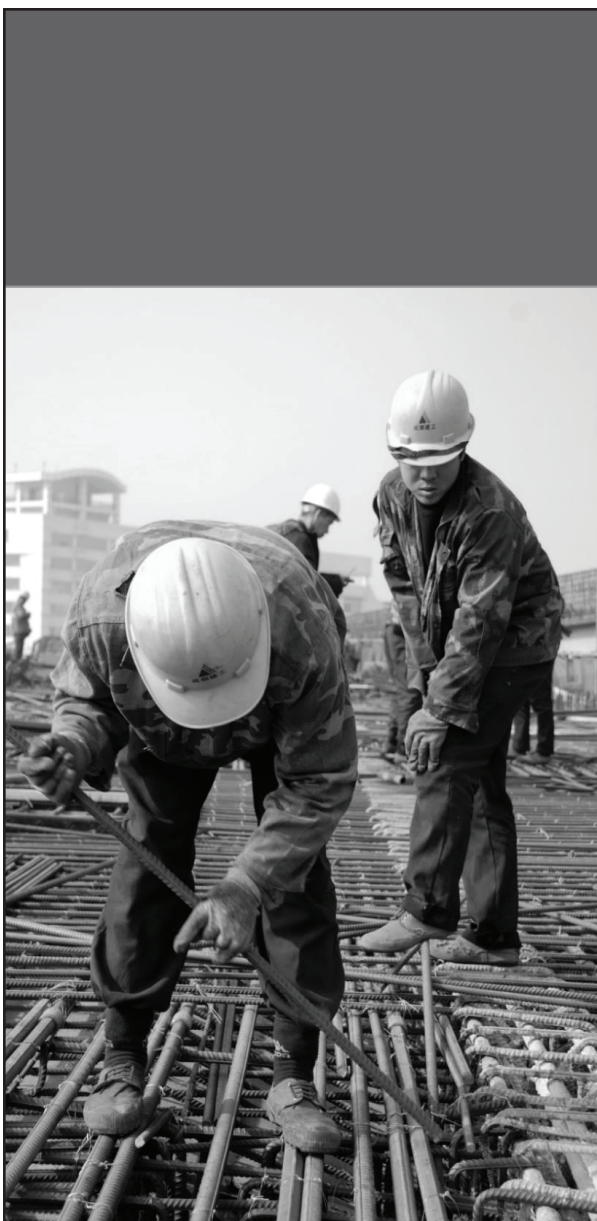
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**Business Management**

# Business Continuity, Financial Stability Strategies

By **STEPHEN HARRISON, CPA**

In a relatively short time frame, COVID-19 took a strong economy and moved every industry into uncertain times. Construction being no different, the effects of this are certainly undetermined now, but it has shut down some sites with states ordering construction to cease.

Once COVID-19 became a business disruption reality, the imperative strategy for contractors became one of repositioning. Numerous organizations and resources now exist, including CohnReznick's resource center, and the Small Business Administration's Economic Injury Disaster Loans ([www.sba.gov/disaster](http://www.sba.gov/disaster)) which give hope to contractors and businesses of all stripes to hang on while they reposition.

Prior to COVID-19, the construction industry looked with anticipation at economic news awaiting signs of a slowdown. After 11 years of growth, what stopped it was a 100-year event. In uncharted ground, is this a several-week or few-month pause in work? Will it spark a new burst of positive



trendlines? Or will it cause issues and slowdowns?

For those in the construction industry, the following thoughts and potential action items are immediate considerations due to the crisis:

• **Cash is King.**

Access your current cash position, and keep a very close eye on accounts receivable collections, timing of accounts payable payments, and effective utilization of lines of credit. Model out cash flows weekly, monthly and quarterly to identify and understand liquidity situations. There will be opportunities here if cash

is effectively managed.

• **Review your wind-down strategy to determine how quickly overhead can be cut and in what areas in the event of work stoppages.**

Labor shortages have been a critical concern in this strong economy. Assess how best to reduce overhead and communicate these reductions in such a way that eases key players in your organization who will be needed upon resumption of full operations. What other obligations can be extended or adjusted?

• **Labor management will be critical.** Know from your labor counsel how to manage furloughs effectively. A recently passed coronavirus relief act includes paid sick leave and family leave that could substantially impact contractors. While everyone is feeling the pain and understands the hardships to be asked, effective, timely, and honest communication will be critical to minimize the impact.

• **Review critical external commitments.** Talk to bankers, surety agents, insurance agents, and talk with legal

representation. Nearly every state has pending legislation that would force business interruption insurance to cover COVID disruption. Know all

important and cannot be quickly handled unless plans are in place. Mandated shutdowns will not stop the criminal element from targeting your unmanned sites.

Befamiliar with and understand contract clauses specifically those with owners, subcontractors and suppliers. Understand required notices that must be given and procedures that must be followed to best protect the company position in the event of a claim.

While there is so much more to consider and actions to be taken, this short list will get the conversations going among your

internal team and your trusted advisors.

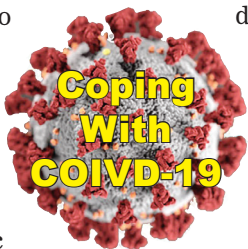
The hope is that this downturn is temporary and that, if contractors can hold on, not only will work return but more will be available through federal spending bills already passed in Congress.

*About the author: Mr. Harrison, CPA, is a partner with CohnReznick's Construction Industry Practice Group. He can be reached at (914) 684-2700.*

***Cash is King. Access your current cash position, and keep a very close eye on accounts receivable collections, timing of accounts payable payments, and effective utilization of lines of credit... There will be opportunities here if cash is effectively managed.***

requirements and deadlines and be sure no commitments are missed without effective communication.

• **Site security.** Like what has happened so far, when construction sites are shut down, contractors received little notice. Have contingencies in place to quickly and effectively shut down a construction site. Securing equipment, safely storing cranes and heavy equipment, making certain materials and small tools are secured are



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## State Pegs \$2.6B for NYSDOT Road, Bridge Work in FY 2021 Continued from page 1

“The heavy highway construction sector did very well in a very difficult budget environment,” Mr. Morgan said, in light of the timing of the budget, after the full effects of the pandemic had been felt.

### Restore Mother Nature Bond Act

Other budget highlights include the authorization of the creation of the \$3-Billion Restore Mother Nature Bond Act that will be put before voters this November to fund critical environmental restoration and climate mitigation projects throughout the state. The revenue bond is designed to address the intensifying impacts of climate change and reduce emissions.

The \$3-billion Restore Mother Nature Bond Act will be a key source of funding for projects focused on reducing flood risk, investing in resilient infrastructure, restoring freshwater and tidal wetlands, preserving open space, conserving forest areas and reducing pollution from agricultural and storm water runoff. It will also fund up to \$700 million in projects to fight climate change, including green buildings. It also aims to spend 35% of the funds on projects to benefit underserved areas of the state.

Gov. Cuomo stated that the state Budget Director will assess the state’s finances and the economic outlook later this year and determine whether to move forward with the Bond Act.

### Prevailing Wage Expansion

Revisions in the prevailing wage law now require that workers on private projects, which are receiving a significant public subsidy, will be paid a prevailing wage. Private projects larger than \$5 million where at least 30% of construction expenses are supported by public grants, tax credits, or certain other incentives will be required to pay prevailing wage, extending important worker protections to even more components of New York’s largest-in-the-nation building program.

The prevailing wage requirement has been praised by organized labor groups, but criticized by business advocacy organizations. The effective date of the state’s prevailing wage law will be January 2022 and does grant some exemptions, including 421-A projects and affordable housing developments.

Gary LaBarbera, president of the Building and Construction Trades Council of Greater New York, explained that the measure establishes a prevailing wage threshold for certain private work that receives subsidies. “The subsidies are intended to incentivize construction, and those projects should be paying good wages with benefits,” he said, according to *City & State*.

“The legislation also allows for private agreements between developers and the building trades,” he said. “That’s important as well. And I think that in many parts of the state, that will be pursued.”

Sam Fresina, business man-

ager of the Eastern New York Laborers District Council, said, “By including the expansion of prevailing wage in the budget, especially during such trying times nationwide, Gov. Cuomo, our Assembly, and our Senate have proved their commitment to the backbone of our state—the men and women who build it and keep it running. This is an outstanding example of responsible legislating that uplifts New York’s middle class.”

L. Todd Diorio, president of the Hudson Valley Building & Construction Trades Council of Newburgh, NY, told CONSTRUCTION NEWS, “The new legislation, although not perfect, will help the building trades in the Hudson Valley secure more work. The combination of this new law, the local labor policies currently in place and the presence of the Hudson Valley building trades will help secure work.”

The prevailing wage bill calls for the creation of a public subsidy board empowered to examine and make any neces-

sary adjustments to thresholds included in the bill, as well as make determinations related to applicability of this section to projects undertaken with benefits stemming from certain programs.

### Other Budget Developments

The budget effectively renders moot hydrofracking in the state. It codifies the state’s ban on the Department of Environmental Conservation approval of permits that would authorize an applicant to drill, deepen, plug back or convert wells that use high-volume hydraulic fracturing as a means to complete or recompleat a well. In addition, it places a moratorium on future gelled propane hydrofracking applications until the DEC can conduct an analysis of the impacts of this completion method.

The enacted budget includes the “Accelerated Renewable Energy Growth and Community Benefit Act,” which will speed up the permitting and construction of renewable energy projects. The state will also accelerate renewable trans-

mission delivery. The act will create a new Office of Renewable Energy Permitting to improve and streamline the process for environmentally responsible and cost-effective siting of large-scale renewable energy projects across New York while delivering significant benefits to local communities. “Build Ready” sites will be pre-approved, permitted and auctioned to developers to prioritize the re-use of abandoned commercial sites, brownfields, landfills, former industrial sites and otherwise underutilized sites.

The budget creates a new refundable, discretionary Green Jobs Tax Credit totaling up to 7.5% of wages for each net new job created fostering the expansion of green economy businesses and position New York State to further capitalize on significant projected green economic growth. The state will also create a refundable, discretionary Green Investment Tax Credit totaling up to 5% of qualifying new capital investments in connection with

qualifying green economy projects and increasing up to 8% of eligible investment for research and development in qualifying green economy projects.

An initiative that could hold promise for the industry in the years to come is Gov. Cuomo’s intent to develop a strategy to build high speed rail in New York. The governor will “convene a team of forward-thinking experts and engineers to reexamine past high-speed rail plans, question and rethink every assumption and method and recommend a new plan for how to build faster, greener, more reliable high-speed rail in New York.”

The FY 2021 Enacted Budget makes the “Buy American Act,” which is set to expire in April 2020, permanent in New York State. The Buy American Act requires state agencies to use high-quality, American-made structural iron and steel that will support the state’s steel and iron industry, create jobs and economic stimulus from needed infrastructure projects.

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It's Time to Apply for College Grants

# CAI to Award Up to \$50,000 For Building Industry Majors

TARRYTOWN, NY—A leading educational advocacy group for the building trades, the Construction Advancement Institute (CAI), announced it is now accepting applications for tuition support for undergraduate and post graduate studies by students whose families are affiliated with Building Contractors Association of Westchester & Mid-Hudson, Inc., (BCA) or four building trade local unions in the region.

Qualifying students should have their sights set or be enrolled to study Engineering, Architecture, Construction Technology, Construction Management or related subjects as determined by the selection committee.

The announcement was made by BCA Chairman Fred Sciliano, vice president of LeChase Construction Services, LLC, of Armonk, NY. Up to 10 scholarship awards of \$5,000 each will

be awarded, added CAI Chairman Mark Fante of Darante Construction Ltd., who also serves on the CAI scholarship committee.

To be eligible for a college grant, students should be relatives to employees of companies that are members of the BCA, or whose relatives are employees of companies that contribute to the Industry Advancement Program of the BCA.

The children or relatives of affiliated building union locals, including Carpenters Local 279, International Union of Operating Engineers Local 137, Building Construction Laborers Local 235, and Bricklayers Local 1 (formerly Local 5) are also eligible to apply for CAI scholarship aid.

Applications will be available at [www.cai-westchester.org](http://www.cai-westchester.org) after May 1. For an application, contact Laurel Brunelle at (914) 631-1033 or [laurel@bcanys.org](mailto:laurel@bcanys.org).

## LOW BIDS

### Accent Stripe, Callanan, Paleen, Bothar, Mohegan, Yonkers Secure NYSDOT Work

ALBANY—The New York State Department of Transportation announced recently the selection of six apparent low bidders for work in the Hudson Valley region.

**Mohegan Associates Inc.** of Carmel, NY was the lowest of three bidders at \$2,848,442.00 for guiderail replacement 2020 region-wide in Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

**Yonkers Contracting Co., Inc.**, of Yonkers, NY was the lowest of four bidders at \$2,811,654.00 for asphalt concrete milling and resurfacing on Route 22 in the towns of Southeast and Patterson in Putnam.

**Accent Stripe Inc.** of Orchard Park, NY was the lower of two bidders at \$2,428,437.53 for pavement marking replacements at various locations throughout Region 9 in Broome, Chenango, Delaware, Otsego, Schoharie, Sullivan and Tioga counties.

**Callanan Industries Inc.** of Albany, NY was the lowest of three bidders at \$1,967,521.75 for preventive maintenance resurfacing and milling of Rte. 55 in the Town of Neversink in Sullivan County.

**Bothar Construction LLC** of Binghamton, NY was the lower of two bids at \$1,647,696.69 for install/modify traffic signals & ADA compliant pedestrian facilities in towns of Chenango and Thompson in Broome and Sullivan counties.

**Paleen Construction Corp.** of Somers, NY was the lowest of five bidders at \$1,574,849.84 for flood mitigation at Route 6/9 Annsville Circle Elevation in the Town of Cortlandt in Westchester.

### Venture Picked for Bridge Path Project

ALBANY—The New York State Thruway Authority announced recently that **Venture Construction Inc.** of Concord, NH was the lower of two bidders at \$1,367,772.50 for concrete surface treatments and path markings on The Gov. Mario M. Cuomo Bridge path from Milepost 13.10 to Milepost 16.75 in the New York Division in Westchester and Rockland counties in accordance with the proposal and specifications.

## Run in good company.

The Construction Industry Council represents over 500 contractors, material and equipment suppliers, specialty and service firms who compete in the region's \$1.5 billion marketplace. From roads and bridges to utility, waste and water treatment systems, CIC-member companies and affiliated unions are dedicated to building and improving these public and private services. To make your company more successful in the construction industry, maybe it's time you run with us.

*For Membership Information, Call:*  
**George Drapeau III, Director of Membership Services**

**(914) 631-6070**

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### Eastern New York Laborers District Council:

Samuel Fresina, Business Manager

LOCAL 17, NEWBURGH, L. Todd Diorio, Business Manager

LOCAL 60, WESTCHESTER, Anthony Ascencao, Business Manager

LOCAL 157, SCHENECTADY, Ian Joshua Shaul, Business Manager

LOCAL 190, ALBANY, Anthony Fresina, Business Manager

LOCAL 235, WESTCHESTER, Dario Boccarossa, Business Manager

LOCAL 754, ROCKLAND COUNTY, Stephen Reich, Business Manager

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