



Construction NEWS



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Feds Scramble to Hammer Out New Transportation Funding Bill

By JOHN JORDAN

WASHINGTON—While construction industry advocacy organizations praised the passage of the Moving Forward Act transportation infrastructure bill earlier this month, they are pressing Congress to work out their differences before the current authorizations expire on Sept. 30.

The House passed the \$1.5-trillion Moving Forward Act on July 1 and both the American Road & Transportation Builders Association and the Associated General Contractors Association applauded the measure and pressed the Senate to act quickly and work towards a final bill that can garner the approval of both houses of Congress.

American Road & Transportation Builders Association (ARTBA) President and CEO Dave Bauer stated, “The nation’s economic recovery post-coronavirus would receive a huge long-term boost with the passage of a robust surface transportation investment bill. We commend the House for taking a positive step in that direction with its July 1 approval of The Moving Forward



U.S. Rep. Sean Patrick Maloney was joined at a press conference on July 9 in New Windsor by Orange County Executive Steven Neuhaus. Mr. Maloney noted that New York State would receive \$23.6 billion in highway and mass transit funding from the Moving Forward Act.

Act. The last thing states need during tumultuous times is more uncertainty about their share of federal highway

and public transit funding. Short-term program extensions are not the solution and would only add insult to injury.”

He added, “We urge the Senate to move forward quickly on its version of a multi-year reauthorization bill. Final bicameral action is imperative before the current FAST Act law expires Sept. 30.”

The chief executive officer of the Associated General Contractors of America, Stephen E. Sandherr, also released a statement in response to the passage of the Moving Forward Act by the House that called for a more bipartisan effort to enact much-needed transportation infrastructure funding.

“House Democratic leaders rightly understand the scope of the nation’s infrastructure challenges and the suggested funding levels in their infrastructure measure could lead to significant, and much-needed, improvements. However, virtually every meaningful infrastructure legislation that has been enacted in the past 65 years has enjoyed broad bipartisan, bicameral support. Unfortunately, today’s vote makes it clear that this measure does not have the same widespread support as its predecessors,” he said. “One reason is

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Yonkers Contracting Co. will perform re-decking work on the northern span of the Newburgh-Beacon Bridge for the New York Bridge Authority.

PHOTO COURTESY OF THE NEW YORK BRIDGE AUTHORITY

Yonkers Contracting Co. Lands Major Bridge Re-Decking Project

By JOHN JORDAN

HIGHLAND, NY—The New York State Bridge Authority signed the largest capital improvement contract in its 88-year history in June, advancing a major project to re-deck the northern (westbound) span of the Newburgh-Beacon Bridge.

Yonkers Contracting Company, Inc., was the lowest of four bidders with a base bid of \$95,043,552.00 for the re-decking project. The firm will also undertake a nearly \$6.8-million project on the span to remove the toll booths and to realign traffic lanes. The two projects put the total award to Yonkers Contracting at approximately \$102 million. The Bridge Authority, which began operations in 1932, awarded the project to Yonkers Contracting at its June 9 session and signed the contract in early July.

Yonkers Contracting Co. was

also the general contractor for the \$125-million design-build reconstruction of the Exit 131 corridor on Route 17 adjacent to Woodbury Common Premium Outlets that is now complete. That project incorporated a diverging diamond interchange along routes 17 and 32.

The Bridge Authority has reached a Project Labor Agreement with the Hudson Valley Building & Construction Trades Council on the Newburgh-Beacon Bridge northern span re-decking. The PLA was part of the bid specifications.

Todd Diorio, president of the Hudson Valley Building & Construction Trades Council, told CONSTRUCTION NEWS that he expects the project will employ up to 150 union tradesmen at the peak periods of construction.

The Bridge Authority chose not to move forward with a plan to install solar panels on

the northern span, which had been part of the bid.

“We might revisit (solar technology) in future years, but it just wasn’t critical to this particular project,” said Christopher Steber, a spokesman for the authority.

The southern span of the Newburgh-Beacon Bridge, which opened in 1963, was re-decked in a project that began in 2013. Kiska Contracting was awarded that job with

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Rockland Highway Facility Project Finally Moves Ahead This Summer

By JOHN JORDAN

NEW CITY, NY—A project that has been discussed and foot-dragged for decades is now racing to break ground this summer. At press time, Rockland County was poised to sign a nearly \$35.6-million contract with Worth Construction of Bethel, CT to build a new 115,000-square-foot facility for the county's Highway Department in Chestnut Ridge, NY.

Rockland County signed a Project Labor Agreement on the project with the Building & Construction Trades Council of Rockland County and said the work is expected to begin in earnest later this summer.

Building a new Highway Department facility to replace the outdated buildings in New City and its Stony Point garage has been a topic of discussion since the 1960s. In 2003 design work commenced and in 2007 bids were procured and a low bid of \$34.6-million was secured for the project, which was considerably higher than county budget estimates at the time. The project was subsequently shelved in 2010 due to the ongoing economic crisis of the time.

Fast forward to January 2020. Rockland County once again put the project out to bid and the county received five bids ranging from Worth's low bid of \$35,547,000 to \$41 million. Pre-engineering estimates valued the project from a low of \$29.6 million to approximately \$37 million.

The Chestnut Ridge complex will feature administrative offices, a large vehicle storage facility, a repair shop, cold storage building, salt shed, truck wash and fuel station.

County officials credit numerous design improvements over the last decade as one of the factors that led to the 2020 low bid being only approximately \$856,000 higher than the low bid 13 years earlier.

Rockland County Executive Ed Day told CONSTRUCTION NEWS the county performed a cost-benefit analysis on the highway facility project prior to deciding to move forward.

Besides its strategic location, which allows county Highway Department vehicles quick access to major roadways during storms, the bulk of the county's Highway Department fleet of 40 trucks and 100 other pieces of major equipment valued at \$23 million now must be stored outside of its existing Stony Point Garage. The county estimates that the garage storage of its fleet will save the county \$22.3 million over the life of the new facility.

In a memo dated Feb. 20 to the County Executive, Superintendent of Highways Charles H. "Skip" Vezzetti stated that the new facility would provide covered storage for the fleet and equipment, thus extending the life of the assets from 12 years

to 20 years. "This extended life will decrease the replacement cost of maintaining the fleet over the life of the facility by 50%," he stated.

The Chestnut Ridge property is located at the center of southern Rockland County and near major roadways—the Palisades Interstate Parkway, the Garden State Parkway, New York State Thruway, Pascack Road and Route 59.

The location of the new Highway facility will increase operational efficiencies and decrease response time by 15 to 20 minutes per 100 miles of county roads, with 14 of 17 snow plow routes currently dispatched from the New City location.

The floor space of the building was reduced from 135,000 square feet in its 2007 design to its current approximately 115,000-square-foot configuration that includes 13,000 square



Rockland County Highway Department facility consolidates on 24-acre site in Chestnut Ridge.

PHOTO COURTESY OF ROCKLAND COUNTY/JOHN LYON

feet of office and storage space. In addition, the four-story building design (2007) was changed to a slab on grade construction with the site being developed in tiers, according to Mr. Vezzetti.

The 24-acre site was acquired from the New York State Department of Transportation in

2002 for \$1. Its central location is expected to save the county approximately \$200,000 a year over the department's current locations.

The entire project, including contract contingencies, additional funds for construction supervision (McLaren Engi-

neering, design consultant, and Helmer-Cronin, Inc., construction manager) and the purchase of furnishings and equipment, is valued at \$39.4 million. The County Legislature has already signed off on the project and the county is expected to finalize the contract award to Worth Construction shortly, Mr. Day noted.

The County Executive said this project is long overdue and will move forward with construction expected to commence in August or September.

"At a minimum this is a two-decade-old initiative that kept on getting side-tracked for a variety of reasons, including political issues. We had a fiscal crisis in 2008, but it just went around and around for years," Mr. Day said. The County Executive stressed the project needed to move forward due

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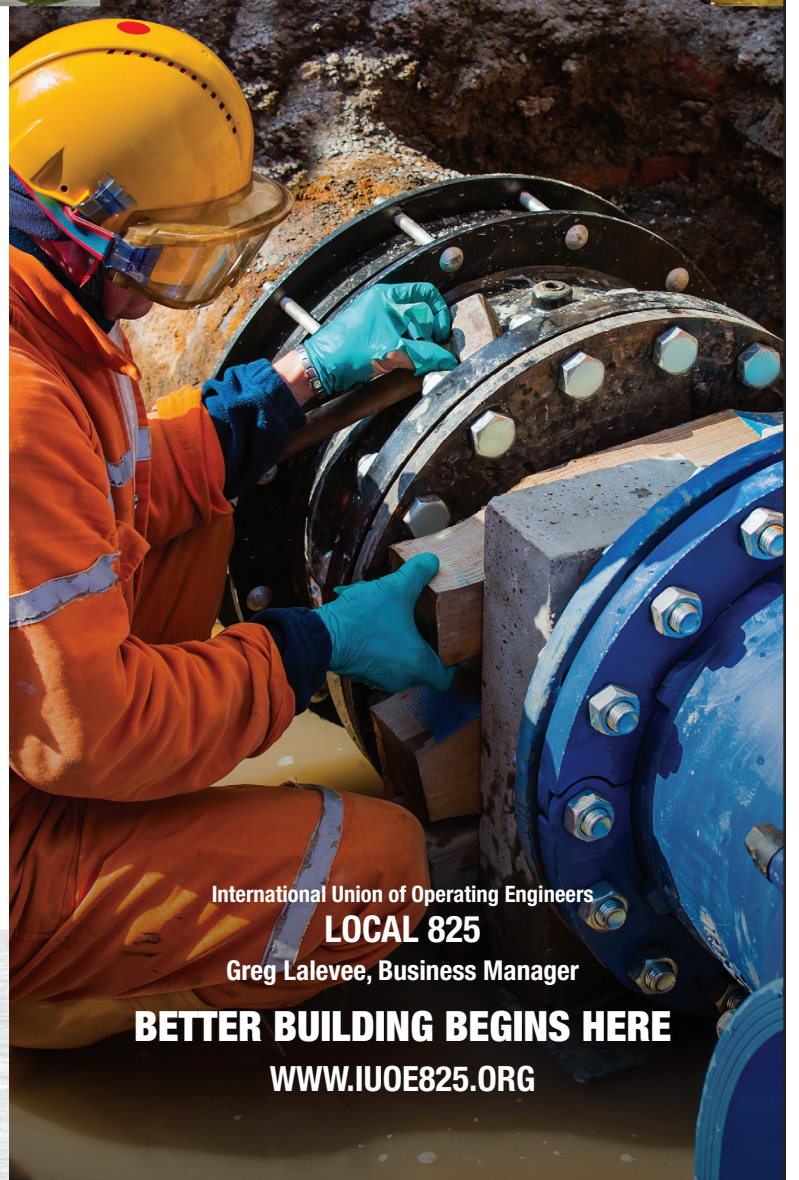
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Crackdown on Reckless Drivers Through Work Zones Buoys Support for Photo Monitoring Legislation

ALBANY—Gov. Andrew M. Cuomo launched the start of “Operation Hardhat” in mid-July, a statewide traffic enforcement detail targeting motorists who drive recklessly through work zones. The operation—a joint initiative between the New York State Police, Department of Transportation and Thruway Authority to crack down on work zone violations—highlight the importance of safe driving when encountering construction, maintenance and emergency operations along state highways.

Parallel to those actions by law enforcement and the transportation community, a proposal in the Transportation Committee in the Assembly and Senate A8832A/S5223A—which would establish “a demonstration program implementing speed violation monitoring systems in work zones by means of photo devices”—is advancing



A police officer dressed as a construction worker operates a radar gun. SOURCE: NEW YORK STATE POLICE

to votes in both houses of the Legislature.

“New York’s highway workers and first responders put their personal safety on the line every day to help ensure our roads and bridges remain safe and in good repair,” Gov. Cuomo said. “As New Yorkers, we have a responsibility to keep these essential workers out of

harm’s way—and that means slowing down, moving over and using common sense. We have zero tolerance for those who drive recklessly and endanger the lives of others.”

State Troopers will patrol active highway work zones throughout the summer at locations along the Adirondack Northway, the Thruway and other highways where maintenance and construction activities are underway. Additionally, DOT, Thruway and State Police plan to partner on additional unannounced enforcement efforts in construction zones in the coming months.

Troopers will be present within the work zones, dressed as highway maintenance workers, to identify motorists who disobey flagging personnel, speed through the work zone or violate the state’s Move Over Law, which applies to both emergency and maintenance vehicles. DOT, Thruway and the State Police are also planning a statewide enforcement and education campaign later this summer in an effort to continue promoting driver awareness and the need to follow New York’s Move Over Law.

State Department of Transportation Commissioner Marie Therese Dominguez said, “Safety is always the top priority of

the New York State Department of Transportation and a big part of that is protecting the health and well-being of the dedicated men and women who work to keep our highways and bridges safe. Operation Hardhat is an effective way to raise awareness about dangers our highway workers face each day they are on the job and the need for motorists to eliminate distractions and reduce speeds in work zones. We appreciate the partnership of the New York State Police in keeping our workers and the traveling public safe.”

New York State Police Superintendent Keith M. Corlett said, “The safety and well-being of highway and construction workers are essential as they improve the roadways of our state. It is important that motorists are aware of their responsibility to follow the rules of the road and know that

executive Director Matthew J. Driscoll added, “Highway and emergency workers are real people who just want to go home to their families after a long day of work. They deserve our complete attention as they do their jobs to make the roadways safer. I encourage everyone driving through a work zone to drive like you or a loved one works there—slow down and be alert for them.”

Some operations were already staged in work zone locations throughout the state earlier this month. According to Mid Hudson News, an enforcement detail that targeted reckless motorists at work zones on July 14 on Interstate 84 ticketed dozens of motorists.

Troopers issued 43 vehicle and traffic violations between 9 a.m. and 1 p.m. at the work zone location in the Town of Montgomery, according to the published report.

The operation, a joint initiative between the State Police, Department of Transportation, and the Thruway Authority, resulted in the following tickets: two for commercial motor vehicle inspections, nine for seatbelts, two for speeding, 11 for cellphone use, nine for using electronic devices, one for failure to move over and 11 for other unspecified violations.

During last year’s “Operation Hardhat” enforcement with the State Police, there were 1,048 tickets issued across the state, including 493 speed violations, 92 cell phone violations, 94 seatbelt and two child restraint violations, 72 move-over violations, eight failures to obey a traffic control device, two failures to obey a flagger, two DWI and 283 other violations.

Motorists are reminded to Move Over a lane, if safely possible, or slow down significantly whenever encountering

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Patrick Purcell, Executive Director, New York State LECET

violations of the Move Over Law and work zone intrusions will not be tolerated. We ask all motorists to operate safely by obeying posted speed limits, staying in designated lanes, and being cognizant of workers and equipment in work zones.”

Thruway Authority Ex-

Mentoring Advisory Service Launched For Small Businesses Affected by COVID-19

WHITE PLAINS—Continuing the work of its Crisis Advisory Task Force, the Westchester County Office of Economic Development announced on July 1 the launch of a one-on-one mentoring advisory service for small business owners who are struggling financially during the COVID-19 pandemic.

The county is recruiting a team of seasoned professionals to serve as volunteer mentors and to provide free business advice to small businesses affected by the pandemic. The county will match the small business with a volunteer mentor whose skill set matches the small business owner’s needs.

“We are very pleased to offer this important new mentoring advisory services program to help our county’s small business owners, who have been




RXR Realty Chairman and CEO Scott Rechler

particularly hard hit by the pandemic. Westchester is fortunate to have experienced business professionals who will share their expertise on a one-to-one basis,” said Westchester County Executive George Latimer.


In launching this new service, the county is partnering with RXR Realty’s RXR Volunteer program, which connects local small businesses affected by COVID-19 with volunteers who have expertise in various business disciplines.

“So many Westchester business owners have told us that they need help right now to reinvent and redefine their businesses. We commend RXR Realty for launching and partnering with the county on this valuable program. They bring to the table a tremendous wealth of talent and resources that can be matched to a small business owner’s specific need,” said Westchester County Director of Entrepreneurship and Innovation Deborah Novick.

The unprecedented public Please turn to page 23



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Yonkers Contracting Co. Lands Major Bridge Re-Decking Project

Continued from page 1

a bid of approximately \$93 million. The northern span was re-decked initially in the early 1980s.

"We always say the typical lifespan of the (bridge) decks is 30 to 40 years," Mr. Steber said. "So we like to say that this is kind of a once in a generation project."

The first contract milestone is that, by Nov. 30, structures for the future cashless tolling plaza are to be put in place on the eastern portion of the bridge (Beacon side). The structures are to include a steel gantry and a pre-fabricated building that will eventually be used for cashless tolling equipment. The Bridge Authority has not released a target date on when it wants to implement cashless tolling on the span.

Work is expected to begin soon on the northern span re-decking project that will involve traffic from I-84 westbound being re-routed to two now northbound lanes of the south span. Traffic coming from Route 9D in Dutchess County onto I-84 westbound will still use the north span, utilizing the northernmost lane of that span. The Bridge Authority's maintenance department will be repaving the two break-down lanes on the northern span that will eventually be used by vehicles arriving on the bridge from westbound I-84. Later on

in the project, the westbound traffic will be switched to a portion of the completed northbound bridge span. The traffic realignment is scheduled to be completed by Dec. 15, 2020.

All work on the bridge project is expected to be completed by July 2023. Mr. Steber said that the Bridge Authority believes that the lion's share of the project will be undertaken in 2021 and 2022.

The Bridge Authority noted that the re-decking will be different from the south span re-decking because concrete will be poured in place rather than pre-fabricated concrete panels installed. This process eliminates joints between the sections of concrete like they are on the south span, the authority noted. With this re-decking project, the crews will have more room to work and do pour-in-place, unlike when the south span was re-decked.

In addition, everything will be overlaid with a polyester concrete layer after the deck is installed to provide an extra layer of protection for the new deck, Bridge Authority officials added.

The Bridge Authority also has a separate RFP for a cashless tolling systems provider for the span. Proposals have been received and are currently being reviewed by the Bridge Authority, according to Mr. Steber.

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NYS DOT - Region 8

Bid Letting Date: Aug. 6, 2020

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

Contract# D264283
PIN# 881354
FA Proj.# Z240-8813-544

Project Description: Ulster Co., sidewalk and road settlement repair, Route 213 in Town of Rosendale.

Bid Deposit: 5% of Bid (~ \$40,000.00)

Goals: DBE: 6.00%

NYS DOT - Region 10

Bid Letting Date: Aug. 6, 2020

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

Contract# D264283
PIN# 081000

Project Description: Nassau, Suffolk Cos., lane extensions and diamond grinding, various locations in Nassau and Suffolk counties.

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

Goals: DBE: 10.00%

Bid Letting Date: Aug. 6, 2020

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

Contract# D264282
PIN# 081016
F.A. Proj.# Z001-0810-163

Project Description: Suffolk Co., replacement of overhead sign structures at 26 various locations in Towns of Babylon, Brookhaven, Huntington, Islip, Riverhead and Smithtown.

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

Goals: DBE: 10.00%

Bid Letting Date: Aug. 6, 2020

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

Contract# D264285
PIN# 053477
F.A. Proj.# Z001-0534-773

Project Description: Nassau Co., 6.6 Miles of asphalt concrete rehabilitation on Southern State Parkway in the Town of Hempstead.

Bid Deposit: 5% of Bid (~ \$750,000.00)

Goals: DBE: 10.00%

Westchester County DPW

Bid Due Date: July. 29, 2020

Contract: 19-502 (\$100.)

Title: New Switchgear Facility, Playland Park, Rye, NY

Description: The work under this contract consists of providing all necessary labor, material and equipment required for the construction of a new switchgear building at Playland Park. Work includes installation of all transformers, switchgear, electrical panels and all other associated electrical work. NOTE: The Contractor is directed to the Special Notice regarding Project Labor Agreement (PLA).

Bid Estimate Range: \$6.5 million to \$6.75 million.

MANDATORY PRE-BID INSPECTION: Scheduled at 10:00 a.m. on July 16, 2020; meeting outside by the Fountain Plaza directly adjacent to the Administration Building, Playland Park, Rye, NY. MANDATORY attendance is required. Bids will be rejected from Contractors not in attendance at this meeting, or those who fail to sign the attendance sheet.

Contact: James Antonaccio, 914-995-6343.

Bid Due Date: July. 29, 2020

Contract: 19-505 (\$100.)

Title: Fire Suppression System Upgrades, Playland Park, Rye, NY

Description: The work under this contract consists of providing all necessary labor, material and equipment required for the installation of fire sprinkler systems in various buildings at Playland Park. NOTE: The Contractor is directed to the Special Notice regarding Project Labor Agreement (PLA).

Bid Estimate Range: \$1.6 million to \$1.7 million.

MANDATORY PRE-BID INSPECTION: Scheduled at 11:30 a.m. on July 16, 2020; meeting outside by the Fountain Plaza directly adjacent to the Administration Building, Playland Park, Rye, NY. MANDATORY attendance is required. Bids will be rejected from Contractors not in attendance at this meeting, or those who fail to sign the attendance sheet.

Contact: James Antonaccio, 914-995-6343

Bid Due Date: July. 29, 2020

Contract: 20-208

Title: Fence Repairs at DPW Maintained Facilities, Various Locations, Westchester County

Description: The work under this contract consists of providing all necessary labor, material and equipment required to perform fencing repairs at various DPW maintained facilities. This contract is for a term of three (3) years with one two (2) year renewal at the discretion of the County.

Pre-Bid Inspection: None Scheduled.

Contact: Elaine Krauss, 914-995-2204.

NYS Dormitory Authority

Bid Due Date: Aug. 20, 2020

Contract: Job Order Contracting Regions 1-10

The Dormitory Authority of the State of New York ("DASNY") is soliciting bids for its Job Order Contracting Program. A Job Order Contract ("JOC") is a competitive bid, indefinite quantity construction contract. The contract includes a catalog of detailed construction tasks with pre-set unit prices and related technical specifications. Contractors bid adjustment factors to be multiplied by the pre-set unit prices.

DASNY will enter into JOC contracts with successful bidder(s). JOC contractors will perform individual projects as assigned in various regions (see below) for DASNY construction programs. JOC contractors provide all management, supervision, documentation and ancillary design work (as required), in facilities throughout New York State. The cost of individual projects performed under JOC contracts will be based on the pre-set unit prices for the project's work scope, any non-pre-priced items as appropriate and the JOC contractor's competitively bid adjustment factors.

All individuals who plan to attend bid openings in person will be required to complete and present a DASNY Covid-19 Daily Worksite Screening Questionnaire, present government-issued picture identification to building security officials and obtain a visitors pass prior to attending the bid opening. The questionnaire and all instructions are located after Section 19.0 of the Information for Bidders.

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 bid openings will be made available for viewing live via Zoom at www.zoom.us. To enter the meeting, select "Join a Meeting" then enter Meeting Id 353 471 6521, Password 351895. Individuals are strongly encouraged to utilize this public viewing option as an alternative to in person attendance at bid openings.

Sealed bids for the above work located in the regions listed below 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 as a bid for the region and trade noted below. 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 UNIT." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on Aug. 18, 2020 will be considered. Bids shall be publicly opened and read aloud. Bid results can be obtained on the DASNY website; <http://www.dasny.org>, forty-eight (48) hours after the Bid Opening.

DASNY'S JOC REGIONS

Region 1 New York (Manhattan), Bronx, Kings (Brooklyn), Richmond (Staten Island), and Queens

Region 2

Nassau and Suffolk

Region 3

Westchester, Rockland, and Putnam

Region 4

Orange, Sullivan, Delaware, Ulster, Dutchess, Greene, and Columbia

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Rensselaer, Albany, Schenectady, Otsego, Schoharie, Fulton, Montgomery, Saratoga, Washington, Warren, Hamilton, and Herkimer

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Region 10

Niagara, Orleans, Genesee, Erie, Wyoming, Chautauqua, Allegany, and Cattaraugus

Contracts to be bid:

CR492 Asbestos Abatement – Regions 1 & 3

CR493 General Construction – Region 1

CR494 Mechanical – Region 1

CR 495 General Construction – Region 3

CR496 Plumbing – Region 3

CR497 General Construction – Region 4

CR 498 Plumbing – Region 4

CR499 Asbestos Abatement – Regions 4 & 5

CR500 Asbestos Abatement – Regions 6, 7 & 8

Contract Term = One (1) Year with Three (3) One (1) Year options

The Pre-Bid Conference for Prospective Bidders is scheduled to be held online on Wednesday, July 22, 2020 10:00 a.m. to 12:00 p.m. You can register at the following link: JOCs Pre-Bid Meeting

Due to the specialized nature of the JOC Program attending the Pre-Bid Meeting is strongly recommended.

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: Rene Pedroso, Gordian Group, 518-852-6901; Chris Enzien, DASNY, 518-257-3709 or DASNY at ccontracts@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 the DASNY website; <http://www.dasny.org> or the OGS website; <http://www.ogs.ny.gov>

A complete set of all contract documents shall be posted to DASNY's website the day of the Pre-Bid Conference:

<http://www.dasny.org/rfp-bidopportunities-solicitations/constructionservices/joc opportunities/new.aspx>

For Region 1(Bronx, Kings, New York, Queens, and Richmond Counties) only: 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"). The successful low bidder, as a condition of being awarded a 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.

Service-Disabled Veteran-Owned Set Aside: No

Minority Owned Sub-Contracting Goal: 18%

Women Owned Sub-Contracting Goal: 12%

Service-Disabled Veteran-Owned Business Contracting Goal: 6%

Agency contact information may change without notice. Please check with the appropriate contracting agency for the most up-to-date contact information.



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Feds Scramble to Hammer Out New Transportation Funding Bill

Continued from page 1

that many of the measure's provisions do more to accommodate the wishes of special interests than solve infrastructure needs. This could undermine the bill's ability to boost employment and needed economic growth."

He concluded, "The vote should be the start of a sincere and earnest process to craft a measure that will garner widespread support among both parties, in both houses. The end goal should be enacting a measure that will have the largest possible impact on improving the nation's aging and overburdened infrastructure."

American Association of State Highway and Transportation Officials Executive Director Jim Tymon also called for more bipartisan efforts in Congress. In a statement in response to the passage of the Moving Forward Act by the House, Mr. Tymon said, "Now that the House has passed H.R. 2, we urge the House and Senate leadership to pursue a bipartisan approach to transportation reauthorization that must be passed before September 30. We firmly believe the best policy outcomes arise when both parties come together to find the right blend of forward-thinking common-sense solutions."

He noted that the AASHTO Board of Directors representing state DOTs from all 50 states plus the District of Columbia and Puerto Rico approved a set of surface transportation reauthorization priorities in 2019 that focused on increased funding for all programs; maintaining the flexibility and maximizing the funding of current core formula programs; addressing climate change and resiliency; improving project delivery; and meeting the infrastructure needs of rural and urban areas.

"We look forward to working with Congress on bipartisan solutions that will uphold these priorities to ensure a robust, modern, and resilient national transportation system," Mr. Tymon added.

U.S. Rep. Sean Patrick Maloney (D-NY-18), a member of the Transportation and Infrastructure Committee and Chair of the Coast Guard and Maritime Transportation Subcommittee, said the Moving Forward Act would bring \$23.6 billion to New York State in highway and transit funding in addition to funding schools, clean energy, water and housing infrastructure projects.

He called the bill a "gamechanger

when it comes to strengthening our infrastructure and will be a real shot in the arm for communities that need new investments and good-paying jobs after the pandemic. A sustainable recovery from this economic crisis will require

"A sustainable recovery from this economic crisis will require bold, comprehensive plans to reinvigorate our cities and towns, and there's no better way to do that than through new transportation and infrastructure projects."

—Rep. Sean Patrick Maloney (D-NY-18)

bold, comprehensive plans to reinvigorate our cities and towns, and there's no better way to do that than through new transportation and infrastructure projects," Rep. Maloney said.

Additionally, Rep. Maloney's bill, the "Bridge Investment Act", was included in the "Invest in America Act," a large portion of the Moving Forward Act. The bill will invest \$28 billion to repair America's 47,000+ structurally-deficient bridges. In New York's 18th Congressional District alone, more than 11% of bridges—190 total—are in poor (or worse) condition, and require major improvements.

Among the key provisions of the Moving Forward Act include:

- Invests nearly \$500 billion to rebuild and reimagine the nation's transportation infrastructure by fixing roads and bridges, improving safety, reducing gridlock, and putting the U.S. on a path toward zero emissions from the transportation sector by cutting carbon pollution, investing in public transit and the national rail network, building out fueling infrastructure for low- and zero-emission vehicles, and deploying technology and innovative materials. These projects will benefit from strong Buy America provisions and labor protections for American workers. The surface transportation provisions in the bill are the product of the INVEST in America Act, which Rep. Maloney helped amend and strengthen as the bill was debated in the Transportation & Infrastructure Committee.

- Invests in schools with the Reopen and Rebuild America's Schools Act, which funds \$130 billion in school in-

frastructure targeted at high-poverty schools with facilities that endanger the health and safety of students, educators, and support staff. This investment will help students get back to school and create more than two million jobs to help

workers get back to work.

- Addresses structural challenges and upgrades childcare facilities by leveraging a five-year, \$10 billion federal investment to generate additional state and private investments in making sure that childcare settings are safe, appropriate, and able to comply with current and future public health directives.

- Invests more than \$100 billion into the nation's affordable housing infrastructure to create or preserve 1.8 million affordable homes. These investments will help reduce housing inequality, create jobs and stimulate the broader economy, increase community and household resiliency in the face of natural disasters, improve hazardous living conditions, and increase the environmental sustainability of our housing stock.

- Protects access to safe drinking water by investing more than \$25 billion in the Drinking Water State Revolving Fund and other programs to ensure all communities have clean drinking water and to help remove dangerous contaminants like PFAS from local water systems.

- Modernizes the nation's energy infrastructure for a clean energy future by investing more than \$70 billion to transform the electric grid to accommodate more renewable energy, expand renewable energy, strengthen existing infrastructure, help develop an electric vehicle charging network, and support energy efficiency, weatherization and Smart Communities infrastructure.

- Delivers affordable high-speed broadband Internet access to all parts of the country by investing \$100 billion

to promote competition for broadband Internet infrastructure in unserved and underserved communities, prioritizing those with persistent poverty. Gets children connected to remote learning, closes broadband adoption and digital skills gaps and enhances payment support for low-income households and the recently unemployed.

- Modernizes the nation's health care infrastructure by investing \$30 billion to upgrade hospitals to increase capacity and strengthen care, help community health centers respond to COVID-19 and future public health emergencies, improve clinical laboratory infrastructure, support the Indian Health Service's infrastructure and increase capacity for community-based care.

- Modernizes and strengthens the United States Postal Service by investing \$25 billion to modernize postal infrastructure and operations, including a zero emissions postal vehicle fleet, processing equipment and other goods.

- Promotes new renewable energy infrastructure by incentivizing the development of wind and solar on public lands and building a workforce for offshore wind.

- Promotes investments in communities by spurring private investment through the tax code, through a revitalized Build America Bonds program, expansions of Private Activity Bonds, and significant enhancements to the New Markets Tax Credit and the Rehabilitation Tax Credit.

Meanwhile, last July, the America's Transportation Infrastructure Act bill passed the Senate Environment and Public Works committee unanimously – 21 to 0 in July 2019. The bill authorized \$287 billion over five years, including \$259 billion for programs to maintain and repair the country's aging roads and bridges.

The dysfunctional Congress at least at first blush is nowhere near a compromise on federal transportation funding.

U.S. Senator John Barrasso (R-WY), chairman of the Senate Committee on Environment and Public Works, delivered a blistering rebuke of the House Democrats' infrastructure legislation.

He said the bill was partisan and "is a road to nowhere. "It is going to see no light of day in the United States Senate."

The current highway infrastructure authorization bill, known as the FAST Act, expires on Sept. 30, 2020.

ALBANY UPDATE

State Comptroller Says COVID-18 Impacts To Local Governments and Schools will be 'Severe'

ALBANY—The COVID-19 pandemic has negatively affected many local governments' revenues and its impact will likely be severe for many municipalities' finances, according to a report released on July 9 by New York State Comptroller Thomas P. DiNapoli.

As sales tax revenues fall by double-digits and state aid is reduced or delayed, Mr. DiNapoli called on the federal government to provide aid to local governments before drastic service cuts occur.

"Local governments are under extreme fiscal pressure. Costs for fighting the pandemic are adding up while revenues are rapidly falling," Mr. DiNapoli said. "In this year's state budget, aid to local governments was flat and now

the state has withheld some aid. Local governments can only tighten their belts so far. They need federal aid and they need it now."

Federal aid is typically only a minor component of local government revenues in New York—about 5% of total revenues in 2018, excluding New York City. In extraordinary circumstances the federal government has stepped in with financial assistance to help states and local governments weather difficult times. Between 2008 and 2010, in response to the Great Recession, federal aid to local governments in New York increased by nearly 60% and was critical in shoring up local finances.

The report noted that sales taxes are one of the most im-

portant sources of revenue for many of New York's local governments and are directly affected by the economic pause and social distancing measures implemented to control COVID-19. Sales tax collections for local governments in May fell 32.3% from last year. From March through May 2020, local governments have received \$824 million, or 19.2% less, in sales taxes than they did during that same period in 2019.

Another risk to local revenues is the flow of state aid. The state budget director withheld 20% of May and June Aid and Incentives for Municipalities (AIM) payments to 12 cities and 20% of June Video Lottery Terminal (VLT) aid payments to 15 counties, cities, towns and villages. These combined reduc-

tions totaled \$75.9 million. It is not yet determined if this aid will be paid to municipalities at a later date. While property taxes provide revenue stability for local governments, the tax cap and other constraints will likely limit their use to shore up local revenues. Property taxes could also be impacted by owners not being able to make payments.

Mr. DiNapoli said his office is tracking sales taxes on a monthly basis as well as pushing for legislation that gives local governments and school districts more flexibility in repaying debt and using reserve funds for pandemic-related expenses. The legislation has passed both the Assembly and the Senate and is awaiting action by Gov. Andrew Cuomo.

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COVID'S Impacts Prompts NY Archdiocese To Shutter 20 Schools, Merge Three Others

By JOHN JORDAN

NEW YORK—Blaming health concerns and the devastating financial impacts felt by Catholic families and the Archdiocese, the Office of the Superintendent of Schools of the Archdiocese of New York announced on July 9 that 20 Catholic schools in New York City and the Hudson Valley will be unable to reopen in the wake of the COVID-19 pandemic.

Superintendent of Schools Michael J. Deegan warned that the archdiocese may be forced to close additional schools if assistance is not provided in the HEROES Act now before Congress.

In addition to the 20 school closures, two Orange County Catholic schools will merge into a third school as part of the program. The archdiocese stated that health concerns and mass unemployment have resulted in families' being unable to pay their current tuition. The pandemic has also caused what the archdiocese terms as "a significantly low rate of re-registration for the fall." Other contributing factors in the decision include months of cancelled public masses and fundraising for scholarships and a loss of parish contributions that traditionally help support the schools.

"Children are always the most innocent victims of any crisis, and this COVID-19 pandemic is no exception," said Timothy Cardinal Dolan Archbishop of New York. "Too many have lost parents and grandparents to this insidious virus, and now thousands will not see their beloved schools again. I've kept a hopeful eye on our schools throughout this saga and my prayers are with all of the children and their families who will be affected by this sad news. Given the devastation of this pandemic, I'm grateful more schools didn't meet this fate, and that Catholic schools nearby are ready to welcome all the kids."

It is expected these changes will impact approximately 2,500 students and 350 staff. These cost cutting

measures will have, the positive effect of ensuring the overall fiscal stability and strengthen the vitality of New York Catholic schools for decades to come.

"The reality of these schools being lost is painful, and it was only accepted reluctantly after a detailed study was conducted of their respective fiscal standing in the wake of the coronavirus public health crisis," said Superintendent of Schools Michael J. Deegan.



The Sacred Heart School in Monroe (pictured), along with St. Stephen-St. Edward School in Warwick will be merged into the St. John School in Goshen.

He added, "I have been a Catholic school educator for more than 40 years, and could never have imagined the grave impact this pandemic has had on our schools. If more assistance is not forthcoming in the longed-for HEROES Act now before Congress, I am afraid even more might close. This is a very sad day for everyone in the extended Catholic school community. I send my love and prayers to the families, teachers, principals and staff of the affected schools."

The following Catholic schools will not reopen:

- Corpus Christi School, Manhattan
- Divine Mercy School, New Windsor
- Holy Family School, New Rochelle
- Nativity of Our Blessed Lady School, Bronx
- Our Lady of Mt. Carmel-St. Benedicta School, Staten Island
- Our Lady of Perpetual Help School, Pelham Manor
- Our Lady of Pompeii School, Manhattan
- Our Lady of the Assumption School, Bronx

- Sacred Heart School, Suffern
- St. Ann School, Yonkers
- St. Elizabeth Ann Seton School, Shrub Oak
- St. John's School, Kingsbridge, Bronx
- St. Joseph-St. Thomas School, Staten Island
- St. Luke School, Bronx

- St. Patrick School, Bedford
- St. Paul School, Yonkers
- St. Peter School, Poughkeepsie
- Sts. Peter & Paul School, Staten Island
- Sts. Philip & James School, Bronx
- St. Thomas Aquinas School, Bronx

In addition, the St. John School in Goshen will welcome the school communities of the Sacred Heart School in Monroe and the St. Stephen-St. Edward School in Warwick to its campus.

The Office of the Superintendent of Schools will work closely with each affected family, to help find a neighboring Catholic school for the fall. The directors of enrollment will provide each family with information and answer any questions that they may have, whether they are about enrollment, transportation or tuition. The best resource for continually updated information will always be <https://catholicschoolsny.org/announcements>.

The superintendent's office is dedicated to working in coordination with the teachers' union to do everything it can to help faculty of the affected schools to find employment within the Archdiocesan school system.

At press time it was not known how the archdiocese plans to utilize the shuttered schools or if they plan to put the properties on the market for lease or sale.

Catholic schools in the Archdiocese of New York currently serve more than 60,000 students from Pre-K through 12th grade at 191 schools across the counties and boroughs of New York.

Onyx Equities Issues RFP to Retrofit Office Buildings to Smart Office Campus

WHITE PLAINS—DJ Venn, senior vice president of asset management, Onyx Equities, announced on July 7 that the company had issued an RFP to create one of the first smart office campuses in the nation.

WestPark, as it is known, comprises two Gold LEED, trophy Class-A headquarters buildings on 25.6 acres, located at 1111 and 1129 Westchester Ave. in White Plains. The buildings are available for lease.

The plan is to transform the buildings and the entire campus to meet the accelerating technological demands of 21st century businesses, according to Mr. Venn.

"Our vision is for WestPark to serve as a hub of connectivity for a global workforce and be the place where innovation and creativity will thrive," Mr. Venn said. "With heightened interest by companies and employees seeking to relocate to the suburbs, our goal is to rival some of the most technically advanced campuses in the world."

"As Westchester County's biotech, healthcare, financial services, and tech sectors continue to thrive, the chance to develop and position WestPark as the linchpin of an 'Innovation Corridor' along I-287—that will attract companies in New



WestPark is located on nearly 26 acres at 1111 and 1129 Westchester Ave. in White Plains.

York City's burgeoning tech and financial sectors, as well as others nationally—is very real," said William V. Cuddy, Jr., executive vice president at CBRE. "The effect will be to invigorate and stimulate flexible ways of doing business, retain and expand the region's young, educated workforce, and encourage more research and development here."

The prime location and condition of the WestPark campus can draw a labor force from New York to Connecticut and New Jersey. 1111 Westchester Ave. boasts 234,281 square feet of Class-A space. 1129 Westchester Avenue offers 132,179 square feet of Class-A space.

The complex offers a powerful

data center with fiber-optic connectivity, fresh-air ventilation systems, high-speed connectivity, a large cafeteria, fitness center, and plenty of power and back-up generators.

The buildings also have 1,127 covered and surface parking spaces, and boast modern security and life safety systems.

WestPark's Smart Campus RFP is written for two phases of development. The first phase calls for the two buildings to be retrofitted with next-level technology, including AI and IoT data retrieval systems to meet 21st century demands in terms of sustainability, energy conservation, health and wellness, security, connectivity and workforce attraction.

Mr. Venn predicted that the RFP, which is posted at www.westparkny.com, will be of interest to both leading global companies as well as second and third stage companies that are successfully producing innovative technology.

"Experience, qualifications, price, product viability, financial stability, and proposed timetable are among the many factors that will enter into the

committee's decision-making," he said.

Submissions are due by 5 p.m. on Sept. 9, 2020 and decisions are expected by year-end. For further information about the RFP or leasing, contact: William V. Cuddy, Jr., Executive Vice President, +1 203 325 5380, william.cuddy@cbre.com or Jacqueline Novotny, First Vice President, +1 203 352 8919, jacqueline.novotny@cbre.com.

LOW BIDS

Liberty II, Restani, Michels Corp., Annseal Secure NYSDOT Projects

ALBANY—The New York State Department of Transportation recently announced the selection of four apparent low bidders for work in the Hudson Valley and New York City regions.

Liberty II Sweeping and Maintenance Inc. of Westbury, NY was the lowest of six bidders at \$4,391,097.20 for highway maintenance cleaning at various locations in the Bronx, Kings, New York, Queens and Richmond counties.

Restani Construction Corp. of Astoria, NY was the lowest of 12 bidders at \$7,711,500.00 for highway pavement preservation on the Long Island Expressway in New York City.

Michels Corp. of Brownsville, WI, was the lowest of 10 bidders at \$11,796,500.00 for bridge replacement on I-84 over McVeigh Road (BIN 1052501) and the rehabilitation of three bridges on I-84 (BINs 1052502, 1052511, 1052512) in the Town of Wawayanda in Orange County.

Annseal Inc. of Johnson City, NY was the lowest of three bidders at \$1,579,775.00 for crack seal and mastic, various locations, regionwide in Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

Attorney's Column

Firm's Failure to Exhaust Administrative Remedies Dooms Contractor's Claim

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

Administrative determinations today can be just as troublesome to a contractor's business as criminal prosecutions or lawsuits. While these quasi-judicial proceedings may have the look and feel of court proceedings, contractors must be aware that different rules apply to these proceedings as well as the appeals from these proceedings.

In *Matter of Sahara Construction Corp. v New York City Office of Administrative Trials and Hearings*, a court used a doctrine requiring the exhaustion of administrative remedies to deny what it described as a potentially meritorious consti-



tutional challenge to a requirement that a contractor pay restitution in full before pursuing an administrative appeal.

Background

In April of 2009, Sahara Construction Corp. entered into a contract with a homeowner for an extensive renovation of a residential property in Queens. The plans for the project were approved by Department of

Buildings, and construction proceeded. However, as work progressed, the homeowner noticed defects and deviations from the approved plans and by September 2014, Sahara had abandoned the project. The homeowner had lodged a complaint with Department of Consumer Affairs,

which issued a summons to Sahara for deviating from and disregarding the approved plans. After a hearing before the Office of Administrative Trials and Hearings (OATH), the charges against Sahara were sustained, and the hearing officer both imposed a \$5,000 civil penalty and directed Sahara to pay restitution of approximately \$230,000.

The appellate court upheld the denial of Sahara's petition, finding that Sahara had, in fact, not exhausted its administrative remedies because it failed to pay the directed restitution as a condition of taking the appeal.

Sahara attempted to take an appeal of the hearing officer's determination within the OATH office. However, OATH's rules require that any party taking an appeal must pay the penalty and restitution levied by the hearing officer. OATH granted Sahara's request for a financial hardship waiver of this requirement. But pursuant

to OATH's rules, the waiver only applied to the \$5,000 civil penalty and did nothing to relieve Sahara of the obligation to pay the restitution before taking the appeal. Notwithstanding, Sahara attempted to take the appeal, but the OATH rejected it because it did not conform with OATH's requirements to pay the levied restitution prior to taking the appeal.

Sahara commenced an administrative review (Article 78) proceeding in court to challenge the OATH's determination. OATH responded to the petition by arguing that Sahara failed to exhaust its administrative remedies, which is a precondition to mounting an Article 78 proceeding.

Decision

The motion court denied the petition, finding that Sahara failed to properly take its appeal within the OATH office by failing to "provide proof of payment in full of any fines, penalties or restitution imposed by the decision." Sahara appealed to the appellate court, arguing that it sufficiently satisfied the preconditions to appeal, and that the restitution order constituted a constitutionally excessive fine.

The appellate court upheld the denial of Sahara's petition, finding that Sahara had, in fact, not exhausted its administrative remedies because it failed to pay the directed restitution as a condition of taking the appeal. The appellate court also declined to reach the issue of whether the restitution constituted a constitutionally excessive fine because that issue was not raised to the administrative agency, which it held should have been given the opportunity to develop the factual record for judicial review.

The appellate court also took the rare step of noting that although the issue was not raised, as a matter of constitutional law it was bothered by the fact that the OATH's rules did not provide for a financial hardship waiver for the restitution payment before taking the appeal. Thus, the appellate court reasoned, the OATH could impermissibly insulate itself from effective appellate review by setting a high restitution, thus limiting appeals to only those with financial means—regardless of the merits of the

Please turn to page 17

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Creativity Inspired By Infrastructure



New dimensions on the Governor Mario M. Cuomo Bridge is the 3.6-mile bicycle and pedestrian path.

PHOTOS COURTESY OF MARGARET FOX PHOTOGRAPHY



TAPPAN ZEE (Ilan Averbuch, Long Island City)
Sculpture—Seven abstracted figures carry a canoe alongside pedestrians and bicyclists, in a metaphorical shared journey. This sculpture pays homage to the Native American Lenape and their history along the Hudson River, while also symbolizing the value of collaboration in crossing rivers, building communities and reaching new horizons.

Museum-goers often quip that that sculpture is what you bump into as you back up to take a longer view of a painting. To gain a new perspective and appreciation of the wonderful world of outdoor art and sculpture, plan an extended visit to the exciting and impressive 3.6 mile pedestrian/ bike path that now sits on the water’s edge of the westbound span of the Governor Mario M. Cuomo Bridge. You may find yourself wanting to take steps closer to these stunning works—that are at times, whimsical, poignant and truly creative interpretations inspired by a colossal realization of contemporary infrastructure.

The 10 commissions, awarded to eight New York State artists, were installed thanks to a partnership among the New York State Thruway Authority, ArtsWestchester and the Arts Council of Rockland. The presentation features five sculptures, four bicycle racks and one mural. Three of the sculptures incorporate remnant steel salvaged from the decommissioned Tappan Zee Bridge. Locations include each end of the path at the Rockland and Westchester landings, as well as along the side path in South Nyack. The shared-use path features six scenic overlooks across the length of the crossing, with amenities at either end of the path in Tarrytown and South Nyack. Adding to the public art are interactive displays, restrooms and parking.

“Incorporating public art on the Governor Mario M. Cuomo Bridge path adds another critical layer of interest for this effort,” Thruway Authority Executive Director Matthew J. Driscoll said. “Art along the path will attract new visitors and encourage others to return, benefitting our local economies. Additionally, honoring the legacy of the decommissioned Tappan Zee Bridge by including its steel in their work truly brings this project full circle.”

The shared use path will be open daily from 6 a.m. to 10 p.m. The path may temporarily close due to inclement weather, maintenance operations or security concerns. Updates and path information will be available at the bridge’s new website, mariomcuomobridge.ny.gov, and on its new Twitter account, @GMMCB,



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and their artwork, visit:
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Sculptures commissioned by the NY Thruway Authority.
Left to right: *Approach* by Fitzhugh Karol; *Untitled*, *For Imre Lendvai*
by Thomas Lendvai; *Current* by Cheryl Wing-Zi Wong.
(photo credit: Margaret Fox)



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THE FLUX OF BEING (Chris Soria, Nyack)
Mural—Combining layers of abstract geometry with silhouettes of subjects from the natural environment, this mural celebrates the rich biodiversity of the Hudson River Valley.



LEAPING STURGEON (Wendy Klemperer, Brooklyn)
Sculpture—A 14-foot Atlantic Sturgeon—made from rebar and other salvaged steel—leaps out of the Hudson River. This sculpture celebrates the ancient and majestic fish that is part of the region’s history and lore as well as the state’s on-going population recovery efforts of this endangered species.



UNTITLED, FOR IMRE LENDVAI (Thomas Lendvai, Ronkonkoma)
Sculpture—Slightly askew, concentric octagonal forms mimic ripples on the river’s surface and frame the iconic towers of the Governor Mario M. Cuomo Bridge. Made from steel reclaimed from the Tappan Zee Bridge, this sculpture is a tribute to the artist’s father.



CURRENT (Cheryl Wing-Zi Wong, Brooklyn)
Sculpture—Composed of 12 illuminated steel arches, **CURRENT** celebrates transformation. Referencing currents—of rivers, of light, of time—this dynamic sculpture is under continual activation. By day, its shadows and colored light refractions are ever-changing. In the evening, it creates a shared spatial experience through light animations that respond to movements of passers-by.

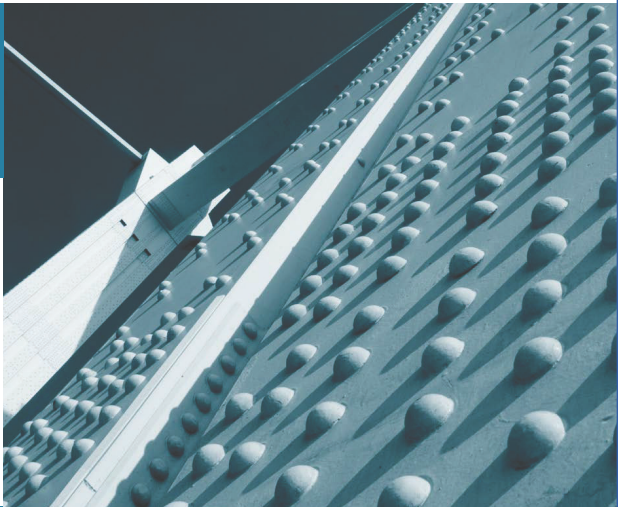
Creativity Inspired By Infrastructure

PHOTOS COURTESY OF MARGARET FOX PHOTOGRAPHY



APPROACH (Fitzhugh Karol, Brooklyn)
Sculpture—This sculpture incorporates steel from both the Governor Mario M. Cuomo Bridge and its predecessor, the Tappan Zee. The piece evokes a sense of uplift, progress and momentum, visually anchoring the beginning of the bridge path in Rockland County.

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Financial Management

Don't Let Your Company Become a Cyber Target

By PHILLIP ROSS, CPA, CGMA, PARTNER

You may think your construction business is an unlikely target for cyberattacks. After all, aren't hackers more interested in organizations such as banks and retail chains that store the sensitive data of millions of customers? The statistics say otherwise.

As the construction process grows more reliant on technology and the various platforms on the Internet, in the cloud, mobile apps and social media, contractors now store and share plenty of private and proprietary information that can make you a highly desirable cyber target.

Especially during this period of increased remote work



brought on by the coronavirus pandemic, individuals, organizations and even governments are far more susceptible to cybersecurity breaches. Home networks tend to be far less

secure than office networks, and many systems may not have been prepared for the current extensive amount of remote work. These combine to give a hacker more opportunity to get into your company's systems. With people being more distracted, worried and vulnerable overall in the wake of COVID-19, social engineering attacks tend to be more effective.

Vulnerable Data

Personal information about customers and employees is only the tip of the data iceberg. Hackers have been known to try and leverage a company's trusted access to

Especially during this period of increased remote work brought on by COVID-19, people, organizations, and even governments are far more susceptible to cybersecurity breaches. Home networks tend to be far less secure than office networks and many systems may not have been prepared for the current extensive amount of remote work.

its business partners' confidential business information, intellectual property or plans and specifications. The Target

data breach from a few years ago is a good example of how the HVAC contractors' system was used to breach Target's data and information. Regularly, contractors, subcontractors, vendors and service providers all share access to networks and data that require protection.

In technology terms, the "attack surface" is broad. In addition to normal data exchange the proliferation of technologies, such as remote monitoring and building information modeling, offer avenues to attack. Although these are important competitive differentiators, you must ensure that the security around these is strong.

You should also consider the costs. The average data breach costs \$3.92 million globally and \$8.19 million in the U.S. Most data breaches go undetected for long periods, and average more than 240 days before being noticed. You should consider how your data and information are protected. A little bit of protection and detection can go a long way to ensure you're not one of these statistics. Can your business handle the business interruption and costs?

Common Types Of Cyberattacks

The most common type of cyberattack today is ransomware. PhoenixNAP Global IT Services predicts that a new organization will suffer a ransomware attack every 14 seconds in 2019. Ransomware attacks increased 105% in the first quarter of 2019 over the first quarter of 2018, with the average ransom payment of more than \$250,000. Ransomware is a type of "malware" (bad software) that encrypts your systems and data. Once encrypted, you're held hostage until you pay a ransom to obtain the decryption key.

Other types of cyberattacks go beyond simple theft of data. A cyberattack is traditionally about money. Whether it be ransom or wire transfer to fictitious accounts, be aware that the cyber attackers are running a business too, albeit an illegal one. As businesses that regularly wire funds to vendors, construction companies are high-value targets for funds-transfer fraud. Through social engineering, these cyber attackers monitor companies to identify their external partners and internal accounting personnel, and then work to impersonate a business partner, submitting fraudulent invoices and payment instructions.

As they lay low within your systems-monitoring activities, attackers look to steal com-

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Financial Management

Continued from page 16

mercially valuable information such as project bids or intellectual property. Some will try “spear phishing. This involves impersonating a key employee or known associate in an e-mail, and then tricking the recipient into opening an infected attachment or visiting a malicious website. When the malware intrudes on company networks, it can allow a cybercriminal to gather data or disrupt operations. These social engineering attacks are even more dangerous now because people are more distracted and nervous. Recently, many hackers have impersonated health officials at the Center for Disease Control (CDC), World Health Organization (WHO).

Be Proactive: Take These Steps To Minimize Cyberattack Risk

Managing risk is a critical element of any successful business. Cyber risk is commonly considered the top risk for most organizations. The first step you need to do is to take cybersecurity seriously and address it formally. Taking a few important steps can make a meaningful difference in terms of reducing your company’s risk profile. While the following list is not exhaustive, it includes many of the key steps that each company should consider taking in order to improve and verify their overall security posture.

- Have a qualified third-party conduct a comprehensive network vulnerability and risk assessment. Ask them to include “penetration testing” to verify the effectiveness of key security controls.
- Conduct periodic employee security training and make training mandatory for all employees.
- Implement and periodically update your company’s information security policies, including a written Business

Continuity Policy, Data Loss Prevention Plan and Incident Response Plan. Ensure that these plans are actionable and practical. Verify that all key employees are familiar with these policies. Perform periodic tests of them as well.

- Retain a qualified Digital Forensics and Incident Response firm that can be called in on short notice to help contain and remediate in the event of a data breach or other security incident such as malware/ransomware.
- Review your third-party exposure, including your vendors and subcontractors. Distribute Due Diligence Questionnaires to all vendors and subs to ensure that anyone who receives, stores, or processes your data (or who has access to your network) can attest to their own security protocols.
- Assess your cyber insurance to ensure it covers the new reality of loss. Many companies have found their limits are not regularly updated often enough.

- Technically, a few areas that can greatly help. “Two-factor authentication,” encryption of critical data assets and backups, updating security and patching software and limiting remote access can all decrease your chances of an attack.

Position of Strength

The fallout from a cyberattack can be devastating. Not only will you lose days or even weeks of computer access, but you’ll likely have to spend many months re-establishing your reputation and rebuilding relationships with project owners, vendors and others. Take preventive steps now while you’re in a position of strength.

About the author: Phillip 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.

Attorney’s Column

Continued from page 10

appeal. (However, as this issue was not fully briefed, the appellate court did not reach it and left the lower court’s decision undisturbed.)

Comment

While an administrative hearing can very much resemble a trial, be assured that a different set of rules apply. For instance, in a conventional court proceeding, you have a near-unfettered right of appeal. However, in an administrative context, before undertaking any sort of appeal to a court—where the higher “arbitrary and capricious” standard, rather than the conventional “preponderance of the evidence” standard, applies—you are required to exhaust every possible step before the administrative agency.

It appears this appellate court was sympathetic to the constitutional argument that the OATH rules, requiring payment of the restitution as a pre-

condition to taking the appeal, constituted an impermissible barrier to further review. Unfortunately for this contractor, because this issue was not properly raised, the contractor was left to pay nearly a quarter of a million dollars without the possibility of further review. This emphasizes that contractors in such situations need to consult with counsel experienced in appearing before as well as taking appeals from administrative agencies.

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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Safety Watch

Most Life-Threatening OSHA Violations Don't Happen by Accident

By GEOFFREY S. POPE, ESQ.

Prior to the enactment of the OSH Act, it was commonplace to hear stories of men (many of them fathers) suffering serious or sometimes fatal injuries on the job. Without giving OSHA all of the credit for the sharp drop in workplace mayhem, we can be pleased that the numbers of employees killed and maimed at work is only a fraction of what it was in the 1950s and 1960s. (Shuttered factories are a big part of that story.)

But with construction remaining among the most hazardous occupations in the U.S. economy, it seems likely to remain so, given the complexity and the nature of the work. (Note: technological advances have shown promise in reducing casualties.)

The construction industry remains a high priority for OSHA enforcement. Larger projects are ready targets for inspections, and smaller ones are likely to be inspected, especially if violations are reported by employees, or a serious injury is reported as required by law.

Although training and compliance with the OSH Act's construction standards remains spotty among smaller, non-union contractors, most employers have now gotten the message. If you want to work on public projects, especially in New York, it's important to keep your OSHA nose clean. Even in the private sector, GCs and construction managers prefer OSHA-compliant trades on their projects. Why? Because OSHA's "multi-employer jobsite" policy subjects any employer whose employees had access to a violative condition to potential liability.

Sooner or later, you are going to be inspected if you do construction work. In which case being cited someday for an OSHA violation is ever present; it comes with the territory to be in business for the long term. That's why you must take seriously the obligation you owe to your employees and to the OSH Act and your relationship with the enforcement agency.

Unsafe practices related to excavations on construction sites are a perennial entrant on the short list of violations most commonly cited by OSHA, as well as a leading cause of deaths and serious injuries.

In reviewing cases from month-to-month concerning OSHA citation contests, I often think the cited employer might have done a better job to keep his or her workers safe as well as to comply with the applicable standards. Momentary lapses in attention coupled with the considerable difficulties in training a largely transient and multilingual workforce probably cause more violations than



true indifference on the part of the employers.

One citation contest I read this month, however, was sufficiently troubling.

The company (name withheld) had two men working in a trench at its worksite to locate and uncover existing piping.

They were seen by an OSHA inspector digging under and around exposed pipes in the bottom of the trench. This led to an inspection, and a two-item citation, one for exposing the company's employees to a cave-in hazard, the other an associated "failure to train" violation.

The company contested both items, and the penalties proposed. The Secretary dropped the "training" item, but after trial, the Administrative Law Judge (ALJ) affirmed the substantive violation for exposing employees to a possible cave-in.

Based on the ALJ's lengthy decision (I didn't read the trial transcript, or view the exhibits)

my impression is that the company's conduct was so lackadaisical that it was fortunate that

Poor planning, lack of attention, insufficient precautionary actions, failing to train crews and unsafe practices converge. One company almost certainly spent more in paying counsel to litigate through trial than the penalty that had first been recommended.

the violation was classified as "Serious" rather than "Willful." The company was guilty of two

fundamental errors of which the more serious one was that it placed employees' lives at risk by allowing two men to work in an unsafe trench without the necessary precautions.

In my opinion, the second error was that the company should probably not have litigated this citation as it had no real prospects of success from what I saw. Unless your OSHA record is so poor that you're at risk of debarment, or losing a relationship with a key GC or CM, it's important to view a current citation in the context of the "long game." Your relationship with OSHA is going to continue for as long as you stay

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Rockland Highway Facility Project Finally Moves Ahead This Summer

Continued from page 3
to the “horrible” conditions of the current facilities, but also due to the significant savings that were borne out in the cost-benefit analysis.

He noted that since more than \$11 million has been budgeted already for the project, there is no need to borrow funds this year to begin work. Mr. Day added that the county expects to utilize approximately \$2.5 million in New York State CHIPs funding for site and paving work and is also exploring additional funding options, including low-interest federal TIFIA loans, USDOT grants and possibly even federal stimulus funding if further stimulus legislation is passed by Congress to augment the financing of the capital project.

He noted that prior to the pandemic, Rockland County’s

economy was one of the strongest in New York State, after being at the brink of bankruptcy in 2014. Despite the pandemic, Mr. Day said the county felt it could take “judicious steps moving forward,” which included the Highway Department facility project. With possibly securing other funding sources, Mr. Day noted, “We are hopeful that with what we have done so far, we will not have to go to the market and spend a dollar until the 2022 budget and by then we have every confidence we will be back on track again.”

Mr. Day said preliminary estimates put the revenue shortfall from the COVID pandemic to Rockland County at approximately \$40 million. The county in response is on an austerity budget and has implemented a hiring freeze.

Safety Watch

in business, and any “Serious” citation is best seen as a wake-up call. That is, it’s an opportunity to review and improve your safety practices as well as an occasion to impress OSHA—if you have a credible basis to do so—that your violation was a one-off mistake. If you can’t credibly make that argument, you need to show OSHA that you now see the light—you’ve got religion and will strive to improve your safety performance in the future.

Among other things, as the Secretary enjoys considerable advantages in contest proceedings (not the least of which is that his lawyers are specialists and he probably has deeper pockets than you thanks to taxpayers) if you are dead to rights on even one “Serious” citation item, usually your best strategy will be to try to negotiate a quick settlement, with any dubious citation items being dropped and the penalties reduced.

This is not to say you must simply roll over. Any OSHA citation deserves a consultation with an attorney with experience in OSHA contests and negotiating with the agency. If you have a respectable defense, you may want to consider a contest (although defenses based on the law are usually more promising than attacks on the competence or the truthfulness of the OSHA inspector).

In the case of this company, the men were working in a trench between eight and nine feet deep (in Type “B” soil). The trench lacked proper sloping, and had material sloughing into it. At its widest point, the mouth of the trench was 13 feet. The west and east walls were completely vertical, the north wall was insufficiently benched, and the south wall was not benched at all.

The company neither en-

Continued from page 19

forced nor issued any trench safety rules pertaining to the worksite. No one measured the trench before the two workers entered it. The foreman did not know the type of soil, or what degree of angle slope the circumstances required. No trench box was installed, and no safety precautions were relayed to the employees to make the trench safe.

The “defenses” presented by the company consisted of little more than an unsupported contention that the trench configuration had been altered between the time the CHSO first saw the men in the trench and the formal inspection, and some sketchy arguments as to how trenches are properly measured for compliance.

Conclusion

In my opinion, given its egregious conduct, the lack of sound defenses and that OSHA had probably given it a break by dropping the failure-to-train citation item, the company accomplished nothing by contesting this citation. The company almost certainly spent more in paying counsel to litigate through trial than the penalty that had first been recommended. The contest could not have ingratiated the company with OSHA, or strengthened any impression that company is a safety-conscious employer.

OSHA’s excavation standards for construction are found in 29 C.F.R. 1926, Subpart P.

About the author: Geoffrey S. Pope, Esq., is counsel to the construction law firm of Welby, Brady & Greenblatt, LLP, with its main office in White Plains. The articles in this series are for general guidance only; contact legal counsel if you receive an OSHA citation, or require advice on OSHA compliance of construction safety.



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Ritz-Carlton New York, Westchester to Close in September; After Renovations Will Reopen as Autograph Collection Hotel

By JOHN JORDAN

WHITE PLAINS—The luxury hotel in downtown White Plains, the Ritz-Carlton New York, Westchester, is closing its doors in September. Soon after that announcement was issued, *CONSTRUCTION NEWS* learned that the property will reopen in early 2021 after a multi-million-dollar renovation.

The ownership, Glacier Capital Partners, reported on June 24 that the hotel property will reopen under a new brand as one of Marriott International's luxury Autograph Collection hotels.

The Ritz-Carlton New York, Westchester hotel at 3 Renaissance Square in Downtown White Plains had filed a WARN Notice with the New York State Department of Labor that it will shut its doors on Sept. 10. A total of 183 hotel employees will be impacted by the closure. The filing prompted media reports on June 24 that the hotel was shutting its doors for good. In its filing with the state, the hotel reported that furloughs began on March 14 and the hotel will cease operating on Sept. 10 "due to termination of its management agreement." The hotel noted that the closure was due to "unforeseeable business circumstances prompted by COVID-19."



The Ritz-Carlton hotel in Downtown White Plains will reopen next year after renovations are completed as a re-flagged Autograph Collection Hotel.

Later, on June 24, Glacier Capital Partners reported the plans for the significant renovation program and the rebrand-

ing of the hotel to the luxury Autograph Collection, which has a portfolio of 192 hotels in operation worldwide.

"The announcement of a major reinvestment in this vitally important downtown property is welcome news not only for White Plains, but for Westchester County and the entire region," said Marsha Gordon, president and CEO of the Business Council of Westchester. "Retaining a Five-Star rating as a Marriott International Autograph Collection hotel assures that the venue will continue to attract a wide-range of audiences and both social and business functions. There are numerous benefits to having a prestige property downtown," she noted, including its role as an economic anchor and for creating opportunities for employment and the many businesses that provide goods and services to the hotel.

When completed, the hotel will feature a redesigned lobby with a new lobby bar, a lounge and a gourmet coffee bar, along with a renovation of all 146 rooms. The hotel will also feature a state-of-the-art gym, spa and pool. Glacier Capital Partners added in its announcement that the ballroom and private event spaces will be reimagined and expanded to include a new bridal suite and seating capacity for 400 people.

The Residences at The Ritz-Carlton, Westchester will remain under the management of The Ritz-Carlton, which will continue to provide luxury services and amenities to all of the residents in the 365-unit buildings. In tandem with the renovations at the hotel, the residences are also currently working with designer Lisa Galano to renovate various aspects of the public spaces.

The former Ritz-Carlton hotel featured 146 luxury guest rooms, including 38 executive

suites, a spa, a rooftop pool, state of the art fitness center, a lounge, 10,000 square feet of meeting, and special event space including a ballroom accommodating up to 500 guests. The hotel also features BLT Steak, located on the ground floor, which is currently temporarily closed due to the coronavirus outbreak.

Just prior to the pandemic, the hotel announced in February that it was included as one of the "Best Hotels in New York" in the 2020 Best Hotels rankings by *U.S. News & World Report*. The Ritz-Carlton New York, Westchester ranked number 38 out of all hotels in New York State.

The hotel industry in New York State and nationwide has been hit hard by COVID-19. A report in the *Real Deal* stated that at least 22 New York City hotels have filed notices with the New York Department of Labor recently to announce staff layoffs due to the coronavirus.

As a result of the sharp drop in travel demand from COVID-19, state and local tax revenue from hotel operations will drop by an estimated \$16.8 billion in 2020, according to a new report by Oxford Economics released recently by the American Hotel & Lodging Association.

Some of the hardest-hit states include California (-\$1.9 billion), New York (-\$ 1.3 billion), Florida (-\$ 1.3 billion), Nevada (-\$1.1 billion) and Texas (-\$940 million). These tax impacts represent the direct tax revenue decrease from the severe drop in hotel occupancy, including occupancy, sales and gaming taxes. These figures do not include the potential, significant, knock-on effects on property taxes supported by hotels that total nearly \$9 billion.

Hilton Westchester to Close Due To Fiscal Fallout from Pandemic

The struggling hotel sector in the region suffered another blow as another major hotel property is ceasing operations. In an exclusive report, the *Journal News* reported on July 10 that the Westchester Hilton in Rye will be shutting its doors after nearly a half century of operation due to

the economic impacts of the coronavirus pandemic.

The newspaper obtained a letter from hotel management stating employees will be terminated on July 20. The hotel features 445 guestrooms, 19 meeting rooms and more than 30,000 square feet of event space.

WASHINGTON UPDATE

Construction Industry Adds 158,000 Workers in June

WASHINGTON—Construction employment increased by 158,000 jobs in June, but employment related to infrastructure slipped, according to an analysis of government data released earlier this month.

Additional infrastructure-building job losses are inevitable, the analysis warned, unless the federal government replenishes depleted state and local budgets for roads and other public works.

"The gain in construction employment in June was

concentrated in homebuilding, with scattered increases in non-residential building, while heavy and civil engineering construction employment—the category that includes many highway and other infrastructure workers—shrank by nearly 10,000 jobs," Ken Simonson, chief economist of the Associated General Contractors of America, said of his group's analysis. "Unfortunately, those infrastructure-related jobs are likely to keep declining as state and local governments

postpone or cancel projects in order to cover the huge budget deficits they are facing in the fiscal year that began for many agencies on July 1."

Mr. Simonson noted that the association's latest survey, conducted June 9-17, found that almost one out of three contractors reported a project that was scheduled to start in June or later had been canceled. He added only one-fifth of firms reported winning new or expanded projects, a share that had held steady since April.

Despite adding 158,000 jobs in June and 453,000 jobs in May, construction employment in June remained 330,000 jobs or 4.4% below the June 2019 level. The heavy and civil engineering construction segment of the industry lost 9,700 jobs in June and 60,100 jobs (-5.6%) over the year. Non-residential building construction employment increased by 13,100

for the month but declined by 47,000 jobs (-5.5%) over 12 months. Employment among non-residential specialty trade contractors rose by 71,300 in June but decreased by 140,000 (-5.2%) from a year earlier.

Job losses were milder on the residential side of construction. Residential building firms added 19,100 employees in June but lost 21,000 positions (-2.6%) over 12 months. Residential specialty trade contractors added 64,100 employees last month but lost 63,000 workers (-3.0%) over the year.

The industry's unemployment rate in June was 10.1%, with 962,000 former construction workers idled. These figures were two and one-half times as high as in June 2019 and were the highest June levels since 2012.

Association officials said the best way to avoid the expected future construction job

losses is for federal officials to quickly enact and implement funding for infrastructure, including highway, bridges, waterways and airports. They noted that the Moving Forward Act passed by the U.S. House of Representatives on Wednesday was a first step in that direction but that a more bipartisan approach is needed for funding to become law.

"We urge officials of both parties, both sides of Capitol Hill, and the Administration to come together promptly on meaningful increases in infrastructure funding," said Stephen E. Sandherr, the association's chief executive officer. "Without quick action, the job gains of the past two months will be lost, along with the opportunity to start on improving the nation's infrastructure at a time when labor availability is high and materials and borrowing costs are low."

LOW BIDS
Every Month in
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Orange Issues RFPs for Camp LaGuardia, Three Historic Sites in Downtown Newburgh

By JOHN JORDAN

GOSHEN, NY—Orange County announced on June 24 it had issued separate Request for Proposals to developers and investors for the purchase of the massive Camp LaGuardia property in Chester and Blooming Grove and three iconic properties in Downtown Newburgh.

Both the Camp LaGuardia and Grand Street properties are county-owned. The Camp LaGuardia property, a former New York City men's homeless shelter, was acquired by the county in 2007 and features four parcels totaling 258.3 acres, including a 153.5-acre parcel in the Town of Chester; a 40.8-acre parcel in the Town of Chester; a 59.6-acre parcel in the Town of Blooming Grove and a 4.4-acre parcel in the Village of Chester.

The county acquired the Grand Street Properties in December 2013. The proper-

ties include a former YMCA, Masonic Temple and American Legion buildings. The county acquired the Newburgh properties in the hopes of expanding SUNY Orange's services to those properties.

The county attempted to have the Camp LaGuardia property redeveloped and retained Mountco Construction of Scarsdale as the developer, but in 2016 spent approximately \$1.3 million to terminate the deal with Mountco, which had proposed a \$300-million mixed-use development on the property but failed to secure approvals from affected municipalities to allow the project to break ground.

"These sites are perfect for commercial development and will provide economic development as well as job opportunities for Orange County residents," said Orange County Executive Steven Neuhaus said.



Orange County Executive Steven Neuhaus at the Camp LaGuardia property in 2016. FILE PHOTO

"I'm pleased that the county is moving forward to put these properties back on the tax rolls and to productive use, which will be a benefit to not just the county, but also to the City of

Newburgh and the Towns of Chester and Blooming Grove."

"Camp LaGuardia is close to the Heritage Trail and to Route 17, and can become a terrific opportunity for economic

growth," said Orange County Legislator John Vero, who represents Chester. "We need proposals which generate long-term revenue for the county and are compatible with local land use needs. Hopefully, multiple entities can demonstrate some interest in this property."

In terms of the Grand Street Properties possible sale, City of Newburgh Manager Joe Donat, said, "We look forward to seeing the potential buyers who are ready to invest in Newburgh and Orange County and have the means and creativity to turn these properties into success stories."

The deadline for the submittal of proposals to acquire Camp LaGuardia is Thurs., Aug. 7. The deadline for submittal of proposals for the purchase of one, two or three of the county-owned buildings at 48, 54 and 62 Grand St. in Newburgh is Thurs., July 30.

Photo Monitoring Legislation

Continued from page 4

roadside vehicles displaying red, white, blue, amber or green lights, including maintenance and construction vehicles in work zones.

Motorists are urged to slow down and drive responsibly in work zones. Fines are doubled for speeding in a work zone. Convictions of two or more speeding violations in a work zone could result in the suspension of an individual's driver license.

Labor Unions Hopeful for Vote Soon on Work Zone Photo Monitoring

At press time, the legislation in the Transportation Committee in the Assembly and Senate A8832A/S5223A, to establish the demonstration program implementing speed violation monitoring systems in work zones by means of photo devices has garnered widespread support from New York labor unions, including from the New York State Laborers Union. Since 2019, the labor organization has pressed for the passage of legislation that would implement photo monitoring to enforce work zone speed limits and fine

drivers who violate them.

The bills are sponsored by Senator Tim Kennedy of Buffalo and Assembly member Bill Magnarelli from Syracuse.

"Each year, the number of work zone accidents, injuries and fatalities has risen and that's completely unacceptable and moreover—preventable," said Patrick Purcell, executive director of New York State LECET. "Our state has historically led the charge on smart and responsible legislation that protects New Yorkers and our workers, but we somehow fell behind here. Fining drivers who speed through work zones sends a clear message that endangering others, especially those doing a job that helps everyone out on the road, will not be tolerated."

Mr. Purcell added that other states across the country have implemented photo enforcement and have seen tangible results. Both Illinois and Oregon both saw an overall reduction in speeding violations as a direct result of work zone cameras, and Maryland and Pennsylvania have passed similar legislation, he noted.

Mentoring Advisory Service Launched for Small Businesses

Continued from page 4

health crisis followed by a growing economic crisis requires us to reimagine how we help our communities in need. At RXR, we're proud to partner with Westchester County to help small businesses and non-profits navigate through this turbulent time by leveraging the local expertise of an army of skill-based

volunteers embedded within our RXR Volunteer platform," said RXR Chairman and CEO Scott Rechler.

Business owners needing crisis advisory services, and business experts willing to volunteer to provide crisis advisory services, can find more information and apply at WestchesterCatalyst-volunteer.com



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For Membership Information, Call:

George Drapeau III, Director of Membership Services

(914) 631-6070

Construction Industry Council of Westchester and Hudson Valley, Inc.
629 Old White Plains Road, Tarrytown, NY 10591



Julia Maria Apostolou



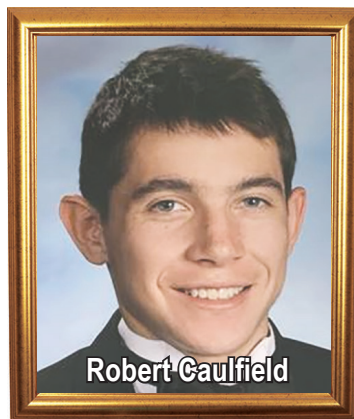
Samantha Argenio



Sebastian Arréola



Taylor Bruck



Robert Caulfield

Louis G. Nappi Construction Labor-Management Scholarship Fund Awards \$85,000 to 17 College Students in Hudson Valley Region

By **GEORGE DRAPEAU III**

TARRYTOWN—Seventeen Hudson Valley college students will begin the fall semester each with a \$5,000 grant from the Louis G. Nappi Construction Labor-Management Scholarship Fund for undergraduate studies in mathematics, the sciences, engineering and technology for the 2020-21 academic year.

The scholarship, a major construction industry financial-aid program, was established in 2009 by Louis G. Nappi (1920-2014), a former Chairman (now *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 transportation and infrastructure construction.

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.

"This scholarship 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's commitment to engineering and science lives on today in these scholarships and through these students."

"Lou believed that giving students the financial means to pursue higher education and advanced degrees would help our nation's construction and building industries regain global competitiveness and preeminence," Pepe added.

Scholarship Committee Chairman William Mascetta, President of Transit Construction Corp. of Yonkers, N.Y., congratulated the winners and reminded them of the value of learning practical skills and avoiding "digital distraction."

"In this high-tech age, with unlimited access to information, it's tempting to rely on technology very heavily," Mascetta said. "However, remember that we build things and our world of infrastructure is three-dimensional. When you get caught up in digital distraction, it's like going through life with blinders on. You, as future scientists and executives, must take off the blinders and open yourselves to the full periphery and reality of what we do."

Mr. Mascetta thanked the

members of the Scholarship Committee representing labor and management, and applauded the students' parents for their support. He acknowledged Lou Nappi's family for its ongoing commitment, and cited appreciation to Moujalli Hourani, D.Sc., a professor of Engineering at Manhattan College in Riverdale, N.Y., for his guidance of the students and the scholarship program.

Marking its 11th anniversary, the Louis G. Nappi Scholarship Fund has awarded more than \$700,000 in 170 grants to some 73 students attending nearly 50 colleges and universities throughout the U.S. Candidates mostly reside in the seven-county region of the lower Hudson Valley—Westchester, 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 information on the program, contact Karen Zedda at (914) 631-6070 or Karen@cicnys.org.

Scholarship Winners

Julia Maria Apostolou, 18, of Yorktown Heights, N.Y., is a freshman studying engineering at the University of Delaware. She is the daughter of James Apostolou of Colonelli Con-

struction, Inc.

Samantha Argenio, 20, of Carolina Beach, N.C., is a junior studying business administration at North Carolina State University in Raleigh. She is the granddaughter of a principal of Argenio Bros., a member company of the Contractors Association of Rockland County. Samantha is also a recipient of a 2019 Louis G. Nappi Scholarship.

Sebastian Arreola, 19, of Danbury, CT, is a sophomore studying computer engineering at the University of Hartford in West Hartford, CT. He is the grandson of Mario Anaya of Heavy Construction Laborers L.U. 60. Sebastian is also a recipient of a 2018 and 2019 Louis G. Nappi Scholarship.

Taylor Bruck, 20, of New Paltz, N.Y., is a freshman studying computer science at Binghamton University in Binghamton, N.Y. She is the daughter of Thomas Bruck, a member of Operating Engineers L.U. 137.

Robert Caulfield, 19, of Blauvelt, N.Y., is a freshman studying civil engineering at Manhattan College in Riverdale, N.Y. He is the son of Timothy Caulfield of Yonkers Contracting Co., Inc., a CIC-member company.

Ryan Danyluk, 19, of New Windsor, N.Y., is a junior studying civil engineering at Wentworth Institute of Technology in Boston, MA. He is the son of Peter Danyluk of Walsh Con-

struction/Grace Industries, a CIC-member company. Ryan is also a recipient of a 2018 and 2019 Louis G. Nappi Scholarship award.

Massimo Fante, 18, of Sleepy Hollow, N.Y., is a freshman studying biological sciences at Cornell University in Ithaca, N.Y. He is the son of Mark Fante of Darante Construction Ltd., a CIC-member company.

Jamie Fortunato, 18, of Fairfield, CT, is a sophomore studying biology and pre-med at the University of Wisconsin at Madison. She is the granddaughter of Anthony Guido, a member of Operating Engineers L.U. 137.

Daisy Godoy, 21, of Lagrangville, N.Y., is a junior majoring in architectural technology at New York University. She is the daughter of Jesus Godoy, a member of Heavy Construction Laborers L.U. 60.

Andrew Griffin, 21, of Yonkers, N.Y., is a senior majoring

Please turn to page 25



Ryan Danyluk



Massimo Fante



Julie Fortunato



Daisy Godoy



Andrew Griffin



Phoebe Kurth



Alyssa Mangone



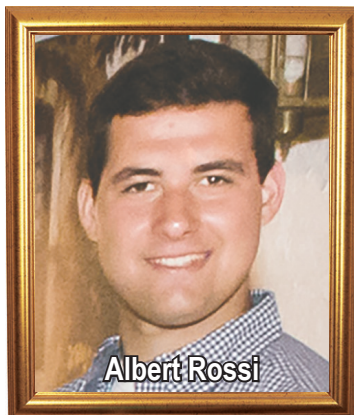
Daniella Mulvey



Angela Picani



Taylor Ann Reilly



Albert Rossi



Brandon Visoky

Louis G. Nappi Scholarship Fund

Continued from page 24

in architecture at the University of Buffalo. He is the son of Lisa Griffin and nephew of Vincent Romagnoli of Yonkers Contracting Company, Inc., a CIC-member company. Andrew is also a recipient of a 2017, 2018 and 2019 Louis G. Nappi Scholarship.

Phoebe Kurth, 18, of New Canaan, Conn., is a freshman studying computer science finance at Villanova University in Philadelphia, PA. She is the great-granddaughter of CIC Chairman Emeritus Louis G. Nappi.

Alyssa Mangone, 20, of Hartsdale, N.Y., is a junior studying mathematics and engineering at Quinnipiac University in Hamden, CT. She is the granddaughter of George Meinel, a member of Operating Engineers L.U. 137 and an employee of Bay Crane, a CIC-member company. Alyssa is also a recipient of a 2019 Louis G. Nappi Scholarship.

Daniella Mulvey, 20, of Valhalla, N.Y., is a junior studying architecture at Ithaca College in Ithaca, N.Y. She is the daughter of Dennis Mulvey, an employee of Stratis Contracting Corp., a CIC-member company.

Angela Picani, 18, of Poughkeepsie, N.Y., is a freshman studying adolescent education at Marist College in Poughkeepsie. She is the daughter of Louis Picani of Teamsters & Chauffeurs L.U. 456.

Taylor Ann Reilly, 20, of Cortlandt Manor, N.Y., is a junior studying business and plant science at the University of Rhode Island in Kingston, R.I. She is the daughter of Thomas A. Reilly of BBT Construction, who is also a member of Heavy Construction Laborers L.U. 60. Taylor Ann is a recipient of a 2018 and 2019 Louis G. Nappi Scholarship.

Albert Rossi, 22, of Patterson, N.Y., is a senior majoring in mechanical engineering at Manhattan College in Riverdale, N.Y. He is the son of Albert L. Rossi Jr., a member of Operating Engineers L.U. 137 of Briarcliff Manor. Albert is also a recipient of a 2017, 2018 and 2019 Louis G. Nappi Scholarship.

Brandon Visoky, 21, of Peekskill, N.Y., is a senior studying civil engineering at Manhattan College in Riverdale, N.Y. He is the son of Gary Visoky, a member of Teamsters and Chauffeurs L.U. 456 of Elmsford, N.Y.

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Next Gen Leaders



Profiles of the Industry's New Generation



Christopher McMahon

EMPLOYER & CURRENT POSITION

The Fulcrum Group, New York City
Project Manager

AGE

26

ACHIEVEMENT

Louis G. Nappi Scholarship -- 2013 and 2014

EDUCATION

SUNY Binghamton, Binghamton, NY
Bachelor of Science 2015, Masters of
Science 2016 in Mechanical Engineering
Favorite Subject: Heat Transfer and
Thermodynamics

ON THE CHOICE OF PROFESSION

"I was always interested in building, and understanding how things work. I liked to see a job through to the end. I also prefer a combination of field and office work."

INSPIRATION

"My father, a carpenter, has remodeled much of the house. Learning from him was a big advantage."

WORDS OF WISDOM

"In school you should be concerned about grades, but you also need a well-rounded experience. That will help communicating in the professional world."

GREATEST ACCOMPLISHMENT

"Being a part of my current project: a 40-story office building on Third Avenue in Manhattan."

GOAL

"I plan to earn my professional engineering license this year."

OUTSIDE INTERESTS

Physical fitness and daily exercise.

HOW HAS COVID 19 AFFECTED YOUR WORK?

"For the most part I work from home now, only going into the city two days a week."

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 \$700,000 has been awarded to 73 students sharing in a total of 170 grants over the years. This financial support has made possible tuition aid to attend some 50 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
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helping to see us through
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