



Construction NEWS



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OCTOBER 2020

\$1.50

Facing \$59 Billion Shortfall, Gov. Cuomo Warns Of Major Cuts If Feds Don't Pass COVID Relief

By JOHN JORDAN

ALBANY, NY—State officials here are worried that without a new round of federal funding to aid states and cities, a projected \$59 billion of revenue shortfalls through 2022 looms for New Yorkers—which is the current level of economic fallout from the continuing coronavirus crisis. Gov. Andrew Cuomo warned that drastic budget cuts will be required in the form of increases in transit fares coupled with reduced services, higher state and local taxes, and cuts to schools, hospitals and local governments.

The governor said that he will delay the decisions to enact any cuts until after Election Day on Nov. 3. The construction industry, however, is already being buffeted by the early bands of ill wind in the form of delays to project lettings in the state.

So far, any reductions in transportation and infrastructure construction funding on state contracts has been largely conceptual: The proposed \$3-billion "Restore Mother Nature" environmental voter referendum has been pushed back from this November to November 2021. Similarly, a handful of Department of Transportation projects have seen letting dates pushed back a few weeks, including several in the metropolitan area, namely a major project at Hunts Point and the Van Wyck Expressway



Swell of voters hoping for change? With nine days to go before the election, the number of early votes cast—more than 58.7 million nationwide—has already passed the pre-election levels of 2016. Above, residents of Ossining, NY head to the polls on the first day of early voting in New York State.

Photo Credit/MARGARET FOX PHOTOGRAPHY

in New York City.

"State government has not yet hit the panic button, but at some time, if we don't get (federal) stimulus money, state government will have to cut and the question is where," said Stephen Morgan, secretary of the New York Roadway and Infrastructure Coalition (NYRIC). "Gov. Cuomo has not yet identified the breath nor depth of the funding cut scenarios if stimulus funds are not forthcoming. We have all witnessed his relentless requests to President Trump and Congress for the need to pass stimulus funding to assist state governments in their fight against the

coronavirus and its impacts."

Taking a wider view of the fiscal crisis, Mr. Morgan noted that Gov. Cuomo has been a strong advocate for infrastructure funding throughout his three terms in office. "He would be very reluctant to cut the (NYSDOT) program," Mr. Morgan said.

As of Oct. 24, New York reported 25,730 deaths due to the coronavirus. According to state estimates, the pandemic decimated public finances, with New York's state government losing an estimated \$14 billion in the current fiscal year and \$16 billion in

Please turn to page 14

Additional Fed Funding for MTA, Port Authority Critical

Building Congress Sees 8.5% Drop In NYC Construction Spending in 2020

By JOHN JORDAN

NEW YORK—Considering the onset of the COVID-19 pandemic and the restrictions that limited work for some time thereafter, construction activity in New York City is projected to fall just 8.5% this year.

The newly released report—"Construction Outlook 2020-2022" by the New York Building Congress, hinges its positive forecasts for 2021 and 2022 on whether the Metropolitan Transportation Authority and

the Port Authority of New York and New Jersey receive billions of dollars in federal aid to allow them to move forward with major capital projects.

The Building Congress forecasts that construction spending is estimated to reach \$55.5 billion in 2020. While this year's activity is lower than 2019's \$60.6 billion in construction spending in New York City, it would match 2017's then-record-breaking amount.

Based on economic fore-

casting, the report predicts construction industry spending to reach \$56.9 billion in 2021 and \$56.1 billion in 2022. Total construction spending between 2020 and 2022 is expected to reach \$168.5 billion.

"While New York City was one of the hardest-hit areas in the U.S. and is still reeling from the effects of COVID-19, the building industry is weathering the storm and remains the heartbeat of the city's economy," said Carlo A. Scissura, president & CEO of the New York Building Congress. "This report evidences both the resiliency of the building industry and underlines the point that investment in infrastructure creates jobs and boosts economic recovery. The Building Congress will continue working to ensure that this growth lasts for years to come."

The wild card will be federal

government support for the MTA and the Port Authority. The Building Congress noted that final capital expenditures for both agencies will be heavily dependent on the amount of federal aid allocated over the next year. The Building Congress forecast assumed the MTA and Port Authority will attain all or a large portion of their requested federal assistance.

The Port Authority of New York & New Jersey is expected to invest \$3.5 billion this year in New York City capital projects, up from \$2.1 billion in 2019.

The forecast assumes the PANYNJ will attain all or a large portion of its \$3 billion in requested federal assistance. In late July, the agency announced that without this aid, it would have to reconsider its 10-year capital plan that could put in jeopardy the redevelopment of JFK Airport, a new AirTrain

at LaGuardia Airport and the replacement of the Port Authority Bus Terminal.

The Building Congress foresees construction spending by the MTA in the five boroughs to increase to \$8.7 billion this year from \$8 billion in 2019. As of September 2020, the MTA paused new commitments for its 2020-2024 Capital Program. The freeze does not apply to

Please turn to page 10

Inside

Next Gen Leaders	5
Albany Update	6
People	13
Financial Management ...	15
Safety Watch	17
Economic Outlook	21
Low Bids	22

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Westchester's 2021 Capital Budget Plan Calls for \$122M in Road, Sewer Funding

WHITE PLAINS—Westchester County Executive George Latimer said that in spite of the COVID pandemic, the county would continue to move forward with key parkway, road, bridge and infrastructure projects in 2021.

Mr. Latimer added on Oct. 15 he had sent to the Westchester County Board of Legislators the 2021 Proposed County Capital Budget.

In the administration's third proposed capital budget, the County Executive proposes an additional \$231.8 million in new appropriations. This includes: \$138.8 million for the general fund, \$80.4 million for the sewer and water districts, \$42 million for parkways, roads and bridges; \$1 million for the refuse district and \$11.6 million for the airport. The County Capital Program supports more than 2,000 permanent jobs within the county, which comes at a critical time when the region's economy has been negatively impacted by the COVID pandemic, county officials stated.

In October 2019, the county executive in his 2020 Capital Budget proposed an additional \$309.7 million in new appropriations, including \$218.1 million for the general fund, \$66.0 million for the sewer and water districts, \$6.0 million for the refuse district and \$19.7 million for the Westchester County Airport.

Mr. Latimer said of the proposed 2021 capital program, "Despite the challenges we have faced this year, we are continuing to invest in the county's capital infrastructure. This is not only important to maintain our assets, but also in creating jobs within the county. With our partners in the construction industry, we will award over \$130 million in construction contracts in 2020, representing 31 projects throughout the county. A number of these projects have been recommended by County Legislators; we have incorporated their advocacy into our plans."

Year-to-date the county has expended more than \$155 million on capital improvements. The backlog of capital projects has also been reduced by \$400 million since Mr. Latimer took office in 2018.

The Latimer Administration has in the past three years undertaken a host of initiatives to improve the capital program and increase efficiency. The most notable improvement resulted from the approval by the New York State Legislature to eliminate the \$10-million bond referendum cap, which ultimately saves the county money by eliminating extra costs from breaking up projects unnecessarily into pieces.

Director of Operations Joan McDonald said of the bond requirement change, "This was part of the county executive's desire to move projects forward. All of these reforms have al-



From left, Deputy County Executive Ken Jenkins, Westchester County Executive George Latimer and Director of Operations Joan McDonald unveiled the proposed 2021 capital budget on Oct. 15.

lowed us to reduce the project backlog significantly."

Additional improvements to the program have included: moving short useful life items (i.e. passenger vehicles) to the operating budget and adding

resources such as: 10 additional positions for engineering, funding for feasibility studies, asset management, and facility plans, consolidating planning and project delivery functions within the Department

of Public Works, raising the RFP threshold from \$100,000 to \$250,000 and streamlining the Board of Legislators approvals on certain projects to not break-up design from construction.

Additionally, by being able to

start implementation on Jan. 1, the county will improve project delivery speeds dramatically.

County Budget Director Lawrence Soule said of the capital program improvements, "By authorizing some debt in conjunction with the budget each year we are taking a major step forward. This debt authorization changes all of this for the better—resulting in a quicker turn around for the residents waiting for these projects to be completed."

Parkways, Roads And Bridges

An additional \$42 million was added in the 2021 Capital Budget for parkways, roads and bridges, including \$8 million in additional funding for the rehabilitation of the Bronx River Parkway and \$33.9 million for various roads and bridges county-wide.

Please turn to page 4

"Now more than ever, we must invest in our roads, bridges, energy, and water projects."

The road to recovery begins with infrastructure."

Greg Lalevee

Chair, ELEC825

Business Manager, IUOE Local 825



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\$58M Earmarked for Hudson Valley Projects

Gov. Cuomo Announces \$357 Million In New Pavement Renewal Projects

ALBANY—Gov. Andrew M. Cuomo announced on Aug. 23 a total of \$357 million in funding for the renewal of roadways in every region of New York State.

These infrastructure renewal projects will incorporate the use of environmentally conscious construction techniques such as warm-mix asphalt and cold in-place asphalt recycling that can be applied at significantly lower temperatures, thereby reducing fuel consumption and decreasing the production of associated greenhouse gas emission during construction. These techniques also allow existing materials to be reused and can reduce the amount of materials that would otherwise be trucked to landfills. The projects announced recently are currently being designed and construction will begin next spring, state officials said.

“New York continues to lead the nation in demonstrating that infrastructure investments supporting economic growth can be balanced with protecting

the supporting infrastructure.” This funding, administered by the New York State Department of Transportation, will support 135 paving projects and

signed into law the Climate Leadership and Community Protection Act. New York’s climate act requires New York to reduce economy-wide greenhouse gas emissions 40% by 2030 and no less than 85% by 2050 from 1990 levels.

Mid-Hudson Valley

Approximately \$58.3 million in project funding has been allocated to renew 167 lane miles of the following roads in Westchester, Rockland, Putnam, Orange, Dutchess, Ulster and Sullivan counties:

- \$6.8 million to resurface Route 52 from Merritt Boulevard to Fishkill Hook Road and Old State Road to the Putnam County line in the Towns of Fishkill and East Fishkill, Dutchess County.
- \$2.2 million to resurface Route 44 from Route 82 in the Town of Washington to Franklin Avenue in the Village of Millbrook, Dutchess County.
- \$1.4 million to resurface Route 82 from Route 44 in the Town of Washington to Franklin Avenue in the Village of Millbrook, Dutchess County.
- \$19.6 million to resurface I-84 from the Route 6/Route 15 interchange in the Town of Greenville to the Route 17M interchange in the Town of Wawayanda, Orange County.
- \$1.6 million to resurface Route 17K from Route 300 to the City of Newburgh Line in the Town of Newburgh, Orange

- County.
 - \$6.9 million to resurface Taconic State Parkway from Pudding Street to Hortontown Hill Road in the Towns of Putnam Valley and Kent, Putnam County.
 - \$2.5 million to resurface Route 45 from Amber Ridge Road to Old Nyack Turnpike and from Palisades Interstate Parkway to Route 202 in Rockland County.
 - \$1.8 million to resurface Route 42 from Concord Road, one mile north of the village of Monticello, to Griff Court, in the hamlet of South Fallsburg in Sullivan County.
 - \$4.8 million to resurface Route 299 from Ohioville Road to Route 9W in the Towns of New Paltz and Lloyd, Ulster County.
 - \$2.7 million to resurface Route 120 (King Street) from Lake Street in the Village of Harrison to the Greenwich American Centre in the Town of North Castle, Westchester County.
 - \$1.0 million to resurface Route 120 (Purchase Street) from Westchester Avenue to Westerleigh Road in the Village of Harrison, Westchester County.
 - \$1.3 million to resurface Route 9 from Route 119 in the Village of Tarrytown, Town of Greenburgh to College Avenue in the Village of Sleepy Hollow, Town of Mount Pleasant, Westchester County.
- Please turn to page 19**

Approximately \$58.3 million in project funding has been allocated to renew 167 lane miles in Westchester, Rockland, Putnam, Orange, Dutchess, Ulster and Sullivan counties.

our precious environmental and natural resources,” Gov. Cuomo said. “These investments are laying the foundation for sustained growth in tourism and business development while enhancing the resilience of

the renewal of approximately 1,740 lane miles of pavements across New York State. The projects will be implemented in a manner that is sensitive to the greenhouse gas emission reduction goals established in New York State’s Climate Leadership and Community Protection Act. State Department of Transportation Commissioner Marie Therese Dominguez said, “Under Governor Cuomo’s leadership, New York State is building back better and in a sustainable manner that will support regional economic development for decades to come. New York is leading the way by incorporating climate friendly strategies into our historic investments in resilient transportation infrastructure.” On July 18, 2019, Gov. Cuomo



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Capital Budget Plan Calls for \$122M in Funding

Continued from page 3
Department of Public Works Commissioner Hugh Greechan said, “Taking full advantage of the reduced COVID-related traffic volumes; we will continue to have a robust Roads and Bridges program. We have experienced lower bid prices and shorter construction schedules. Maintaining the free flow of traffic is a major contributor of the overall project cost.”

Infrastructure

A total of \$80.4 million in additional funding was added for sewer and water infrastructure projects for 2021, with most including features that will result in energy efficiencies, county officials noted. Projects that will result in a reduction in greenhouse gases include work at the Yonkers Joint Water and Resource Recovery Facility that will allow the plant to operate off-the-grid on recaptured methane and electrical and HVAC upgrades at the Port Chester plant.

Department of Environmental Facilities Commissioner Vincent Kopicki said of this year’s program, “These are exciting projects that will not only benefit the environment and help us to meet our permit requirements but will keep our department moving

forward with new sustainable technologies.”
Director of Energy Conservation and Sustainability Pete McCartt added, “Over the last couple of years an expansive portfolio of energy-efficiency capital projects commenced but few as exciting and demonstrative of the co-benefits of this work than capturing the natural gas at the Yonkers plant and using it to fuel the operations at the facility itself. Converting to renewable energy, lowering energy expenditures and reducing our green house gas emissions are key objectives of the County.”
Westchester County Airport: At the airport, \$11.7 million in new appropriations are requested, including \$8.7 million in additional funding for the storm-water management program and enhanced water supply system.
Parks: This proposed capital plan continues numerous investments in the County Park System, including the transformation of Playland, rebuilding of Memorial Field, and the completion of a continuous Bronx River Pathway from New York City to Kensico Plaza.
“The county is following through on a commitment to the people of Mount Vernon and this county,” said Deputy

County Executive Ken Jenkins. “We are focused on finishing Memorial Field and restoring it to its former glory.”
Housing: The budget proposal requests \$20 million in new appropriations: \$10 million for the New Homes Land Acquisition Fund and \$10 million for the Housing Implementation Fund for the construction of infrastructure necessary to support the development of affordable housing.
Mr. Latimer said of the capital program’s housing funding goals for 2021, “Late last year, we released the Housing Needs Assessment that showed that there was a need for over 11,700 new affordable housing units. This budget continues the message we stated last year with \$20 million more in critical resources to help create some of these units.”
Planning Commissioner Norma Drummond said: “This budget shows that the county continues to be a solid partner with our development community in creating more affordable housing opportunities.”
The Westchester County Board of Legislators will receive the proposed Capital Budget and the proposed Operating Budget and are charged with passing the county budget by the end of December 2020.



Next Gen Leaders



Profiles of the Industry's New Generation



Paul Briggs

CAI Scholarship Recipient

2016, 2017, 2018

Age

27

Current Position & Employer

Field Superintendent, ECCO III Enterprises Inc.

On the Job

Every day is different with new sets of challenges. I'm able to use both engineering and communication skills to solve problems. I like being able to see the project progress in front of my eyes.

Education

Bachelor of Science in Civil Engineering

Manhattan College, December 2018

Master of Science in Construction Management

Manhattan College, May 2021

Proudest Accomplishment to Date

Being part of the Kew Gardens Interchange Phase 3 Project and helping to bring it to successful completion.

Most Inspirational Educator

Dr. Moujalli Hourani, he believed in and encouraged me to pursue civil engineering when few others did. He has advised me throughout my academic career. I would not be where I am today without his influence, so I am very thankful. In addition to that, he is a very passionate professor.

On Choice of Profession

My father is a civil engineer in the construction industry, so growing up around the industry and because of my admiration for my father, I found myself interested and drawn to this field. I've also always been interested in how things work and how they are built, so it was an easy choice for me.

Goals

Complete my Masters degree and begin taking steps toward obtaining a P.E. license.

Hobbies

I enjoy carpentry and working with my hands, as well as outdoor activities.

Relationship to CAI/BCA Organizations

My father, William Briggs, was a project superintendent formerly at Sentrale Contracting Co. and is currently at ELQ Industries Inc.

Words of Wisdom

Nothing worth having comes easy, and anything worth doing is worth doing right.

Researcher and Writer—Alan Kennedy

ABOUT THE BCA/CAI SCHOLARSHIP

Since its inception the Building Contractors Association/Construction Advancement Institute College Scholarship Program has awarded more than \$334,000 to 38 students who have enrolled at 30 colleges and universities throughout the U.S. region.

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ALBANY UPDATE

Cashless Tolling to Go Live On Thruway Next Month

ALBANY—The New York State Thruway Authority announced on Oct. 14 that cashless tolling will go live on the Thruway's ticketed system in November.

The historic conversion will take place overnight all at once at tolling locations across the 570-mile Thruway system. The exact date will be announced to motorists in advance, Thruway Authority officials stated.

"This historic modernization of the Thruway system is one of the largest projects in the Authority's history," Thruway Authority Executive Director Matthew J. Driscoll said. "When we 'flip the switch' on cashless tolling in November, a new era of toll collection will commence and millions of drivers that travel the Thruway each year will benefit for generations to come."

In his 2018 State-of-the-State address, Gov. Andrew Cuomo first announced the \$355-million conversion to cashless tolling to transform and modernize the Thruway system for the approximately 267 million motorists who travel the superhighway each year. Cashless tolling reduces congestion through free-flowing traffic and reduces emissions by eliminating idling at toll booths.

A total of 70 steel gantries have been installed at 58 tolling points on the Thruway's ticketed system. The gantries will replace the current toll plazas, which are scheduled to be removed in phase two of the project later this year and in 2021. The gantries were built utilizing approximately 3.5 million pounds of 100 percent American-made steel and hundreds of New York workers in accordance with the "New York Buy American" Act at LMC Industrial Contractors Inc. in Livingston County.

The conversion to cashless tolling marks the end of an era for the Thruway Authority with the conclusion of cash toll collection at toll booths along the Thruway after 66 years of operation. Since the first tolls were collected on the Thruway in June 1954, toll collectors have been the backbone of the organization, assisting customers and collecting cash tolls along the superhighway. As a tribute, the Thruway Authority has launched a webpage dedicated to the history of toll collection. From 1954 to 2020, more than 12,000 men and women have served as toll collectors, working 24/7 in all weather conditions.



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NYSDOT - Region 8

Bid Letting Date: Nov. 5, 2020

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

Contract# D264324
PIN# 881368
FA Proj.# Z510-8813-683

Project Description: Westchester Co., bridge rehab: four bridges in City of Yonkers, Village of Elmsford, Towns of Greenburgh and Mount Pleasant.

Bid Deposit: 5% of Bid (~ \$1,500,000.00)

Goals: DBE: 10.00%

NYSDOT - Region 10

Bid Letting Date: Nov. 5, 2020

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

Contract# D264330
PIN# 081018
FA Proj.# Z001-0810-183

Project Description: Nassau, Suffolk Cos., surface treatment on NY Rte. 25 and Glen Cove Rd. in the Towns of Huntington, North Hempstead & Oyster Bay.

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

Goals: DBE: 10.00%

Bid Letting Date: Nov. 5, 2020

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

Contract# D264335
PIN# 081014
FA Proj.# Z230-0810-143

Project Description: Nassau, Suffolk Cos., preventative maintenance drainage clean - repair - replace various locations in Nassau and Suffolk Counties.

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

Goals: DBE: 10.00%

NYS Dormitory Authority

Bid Due Date: Oct. 29, 2020

Title: City University of New York, Hunter College
Cooperman Library Fifth Floor Renovations

Contract: CR7 General Construction

Project Number 3546309999

Sealed bids for the above Work located at Hunter College, East Building, 921 Lexington Avenue, New York, New York 10065 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS – DOMINICK DONADIO." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

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

All individuals who plan to attend pre-bid meetings or 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.

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on October 29, 2020 will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at DASNY's website; <http://www.dasny.org>.

In accordance with State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between DASNY personnel and a prospective bidder during the procurement process. Designated staff for this solicitation is: Yunjung Lee, Project Manager, 695 Park Avenue, North Building C001, New York, New York 10065, 212-439-7958, ylee@dasny.org (the Owner's Representative) and 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 DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting was scheduled on Thursday, October 1, 2020 at 11:00 AM at 904 Lexington Avenue, West Building Lobby, New York, New York 10065. Contact Yunjung Lee at 518-469-8567. All prospective bidders are strongly encouraged to attend.

Prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated July 28, 2020 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid.

A complete set of Contract Documents may be viewed and/or purchased online from Camelot Print and Copy Centers. Only those Contract Documents obtained in this manner will enable a prospective bidder to be identified as an official plan holder of record. DASNY takes no responsibility for the completeness of Contract Documents obtained from other sources. Contract Documents obtained from other sources may not be accurate or may not contain addenda that may have been issued. In addition, prospective bidders are advised that the Contract Documents for this Project contain new "GENERAL CONDITIONS for CONSTRUCTION" dated July 28, 2020 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid. The plan holders list and a list of interested subcontractors and material suppliers may be viewed at DASNY's website: <http://www.dasny.org>. For Bid Opportunities and other DASNY related news, follow us on Twitter @NYS_DASNY and Facebook <https://www.facebook.com/pages/DASNY-Dormitor-Authority-of-the-State-of-New-York/307274192739368>.

To view the Contract Documents online, click the following link: www.camelotplanroom.com or type it into your web browser. Then click on the Public Jobs link on the left side of the page. If you would like to purchase the Contract Documents and become a registered planholder click the link "Register for an account" and follow the steps to create a free account (if you have not previously set one up). Once you have a Login and Password, log in to the planroom. To order a DIGITAL DOWNLOAD of the Contract Documents and be placed on the bidder's list, add the Contract Document(s) to your cart and proceed to the checkout. All major credit cards are accepted online. A purchase of a digital download is required to become a registered planholder. Printed sets of the Contract Documents are also available to planholders for an additional cost and may be ordered through the online planroom or by mailing a check. The purchase of the digital downloads and printed sets are non-refundable and non-returnable. Please contact Camelot's Bid Department at (518) 435-9696 or email them at camelotbids@teamcamelot.com for more information.

Bid Due Date: Nov. 17, 2020

Title: Job Order Contracts - Small Business Pilot Program
REGIONS 1, 2 & 10

Contract: DASNY Project # 1000509999

Sealed bids for the below work located in the counties 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 project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS UNIT." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

Contracts bid through DASNY's Small Business Pilot Program; eligible bidders limited to NYS-certified MWBE and SDVOB firms.

Description of Contract/Trade	PLA CR	Region Counties
HVAC	No 506	1 New York Manhattan, Bronx, Kings (Brooklyn), Richmond (Staten Island) and Queens
General Construction	No 504	2 Nassau and Suffolk
HVAC	No 507	2 Nassau and Suffolk
Asbestos Abatement	No 508	2 Nassau and Suffolk
Electrical	No 511	10 Niagara, Orleans, Genesee, Erie, Wyoming, Chautauqua, Allegany, and Cattaraugus

Notwithstanding the foregoing, DASNY reserves the right, at its sole discretion, to assign Work to any contractor in any geographic area or region.

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.

Only those bids in the hands of DASNY, available to be read at 2:00 PM local time on November 17, 2020 will be considered. Bids shall be publicly opened and read aloud. Bid results can be viewed at the DASNY website: <http://www.dasny.org>, forty-eight (48) hours after the Bid Opening.

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, 518-852-6901, Chris Enzien, Sr. Project Manager at 518-257-3709 or DASNY Contracts 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>

FOR REGION 1: The Dormitory Authority of the State of New York ("DASNY") has determined that its interest in obtaining the best work at the lowest possible price, preventing favoritism, fraud and corruption, and other considerations such as the impact of delay, the possibility of cost savings advantages and any local history of labor unrest are best met by use of a Project Labor Agreement ("PLA") on this Project for the following. 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.

Bid Due Date: Nov. 17, 2020

Title: Job Order Contracts
Regions 1, 3, 5, 6, 7 & 10

Contract: DASNY Project # 1000509999

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Description of Contract/Trade	PLA CR	Region Counties
General Construction	Yes 503	1 New York (Manhattan), Bronx, Kings (Brooklyn), Richmond (Staten Island), and Queens
Plumbing	Yes 505	(Region 1) No (Region 3) 1 & 3 New York (Manhattan), Bronx, Kings (Brooklyn), Richmond (Staten Island), and Queens Westchester, Rockland and Putnam
General Construction	No 509	5 & 6 Rensselaer, Albany, Schenectady, Otsego, Schoharie, Fulton, Montgomery, Saratoga, Washington, Warren, Hamilton, and Herkimer. Essex, Clinton, and Franklin
General Construction	No 510	7 Lewis, Jefferson, St. Lawrence
General Construction	No 512	10 Niagara, Orleans, Genesee, Erie, Wyoming, Chautauqua, Allegany and Cattaraugus

Notwithstanding the foregoing, DASNY reserves the right, at its sole discretion, to assign Work to any contractor in any geographic area or region.

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.

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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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Attorney's Column

Delay Claim Dismissed Despite Owner's Breach Which Was Responsible for Contract Delay

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

Delays are no strangers to construction, and therefore the “no-damages-for-delay” clause is common in construction contracts. Because these contractual provisions are considered a “bargained for” benefit of the contract, courts are loath to apply one of the four narrow exceptions to the clause. However, another example of a court declining to apply one of the exceptions is found in the recent case of *Federated Fire Protection Systems Corp. v Extell West 57th Street, LLC*.

Background

In 2010, Federated Fire Pro-



tection Systems entered into a contract with Extell West 57th Street to furnish and install the fire sprinkler system at the One57 multi-use condominium, a supertall skyscraper in Midtown Manhattan. In furtherance of its work, the contract provided that Federated would have access to all three elevator hoists, which were servicing the

project, and Federated scheduled its work (and agreed upon its completion date) accordingly.

Ultimately, Federated was provided access to only two of the three agreed-upon hoists. As a result, Federated was delayed in completing its work, and it sued Extell to recover monetary

damages resulting from the delay. Extell moved to dismiss based on the no-damages-for-delay clause. Federated argued that it was entitled to the benefit of the judicially crafted exception based on the owner's breach of a fundamental contractual obligation.

Decision

The motion court granted the

On appeal, the appellate court affirmed, finding that the allegation that the owner only provided access to two of the three hoists, alone, was not sufficient to establish the breach of a fundamental contractual obligation.

motion to dismiss, finding that the no-damages-for-delay clause was a bargained for provision of the contract, and that by including such a provision the parties both anticipated delays and agreed that the remedy for such delays would only be an extension of contract time. As to the claimed exception,

the motion court held that it was not applicable because the owner provided access to hoists. On appeal, the appellate court affirmed, finding that the allegation that the owner only provided access to two of the three hoists, alone, was not sufficient to establish the breach of a fundamental contractual obligation. In doing so, the appellate court contrasted cases where the owner completely failed to provide access, etc., required by the contract.

Comment

The harsh consequence of a no-damages-for-delay provision is that the contractor or subcontractor must absorb all of its monetary damages arising out of delays caused by others. They generally do not have the bargaining power to change or delete the oppressive language of the no-damages-for-delay clause when initially negotiating the contract.

Here, the court once again reminds us that the exceptions to the enforceability of a no-damages-for-delay clause are extremely limited—even where the owner's breach and the impacts of that breach are so clear and easily determinable. It is difficult, but not impossible to argue around such clauses. Given that each case is necessarily limited to its own facts, it is important to consult with an attorney early in the process so that the claim can be properly analyzed and documented.

About the author: Thomas H. Welby, an attorney and licensed professional engineer, is General Counsel to the Construction Industry Council of Westchester & Hudson Valley, Inc., and is the founder and Of Counsel to 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.



After 100 years, Operating Engineers Local 825 has grown through past economic crises, including the Great Depression. The COVID-19 pandemic has caused hardship to many but through hard work and expertise, we will grow through this too.

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The illustration above is an artist's depiction of the Indian Point property after the completion of major decommissioning work.

Indian Point Energy Center



\$204M Bruckner Expressway Improvement Project Completed

NEW YORK—Gov. Andrew M. Cuomo announced on Oct. 5 the completion of a \$204-million project that rehabilitated a half-mile section of the Bruckner Expressway and six connecting ramps between East 141st Street and the interchange with the Major Deegan Expressway and the Robert F. Kennedy Bridge in the Bronx, prolonging the service life of the viaduct and reducing the need for future maintenance projects. The project was completed on time and on budget.

The completion of the project also builds on the governor’s continued commitment to “building back better” in the Bronx, starting with the \$75-million rehabilitation of the Sheridan Expressway from an interstate highway to a pedestrian-friendly boulevard, as well as the ongoing \$1.7-billion project that will eventually provide direct access to the Hunts Point Market from both the Bruckner Expressway and



In addition to work on the Bruckner Expressway mainline, a total of six ramps were improved as part of the project.

PHOTO CREDIT/NYS DOT

the new Sheridan Boulevard. Tully-Posillico JV was awarded the contract by NYS DOT in November 2017. “We have made record invest-

ments to enhance the quality of life for residents of the Bronx and these new improvements will boost travel and commerce, while increasing the long-term

sustainability of this critical roadway,” Gov. Cuomo said. “Coupled with other transformational projects across the borough, the rehabilitated Bruckner Expressway continues our unprecedented efforts to build back better for the Bronx and for all New Yorkers.”

Nearly 70% of the bridges’ deck piers were eliminated with the use of innovative technology “link slabs” made of high-performance concrete, significantly reducing rainwater leaking through the deck and protecting the bridge piers. This in turn reduces maintenance costs and will prolong the life of the viaduct. The project also included replacing bridge decks, repairing concrete piers and steel girders, and replacing all bearings and pedestals. Barriers, railings and drainage structures were replaced, and new roadway lane striping was added. New LED lighting was also installed along the expressway, on the ramps and at inter-

sections below the expressway at 138th, 140th and 141st streets to enhance safety and visibility for pedestrians and motorists.

In addition to the work on the Bruckner mainline, the following six ramps were improved as a result of this project:

Ramp from the Robert F. Kennedy Bridge to the northbound Major Deegan Expressway (I-87)

Ramp from the Robert F. Kennedy Bridge to the eastbound Bruckner Expressway (I-278)

Ramp from the westbound Bruckner Expressway (I-278) to the Robert F. Kennedy Bridge

Ramp from the westbound Bruckner Expressway (I-278) to the northbound Major Deegan Expressway (I-87)

Ramp from the southbound Major Deegan Expressway (I-87) to the eastbound Bruckner Expressway (I-278)

Ramp from eastbound Bruckner Boulevard at East 138th Street to the eastbound Bruckner Expressway (I-278).

Please turn to page 18

Building Congress Sees 8.5% Drop In NYC Construction Spending in 2020

Continued from page 1

projects that were already underway prior to the hold implemented in late June or projects that have been accelerated while ridership is low.

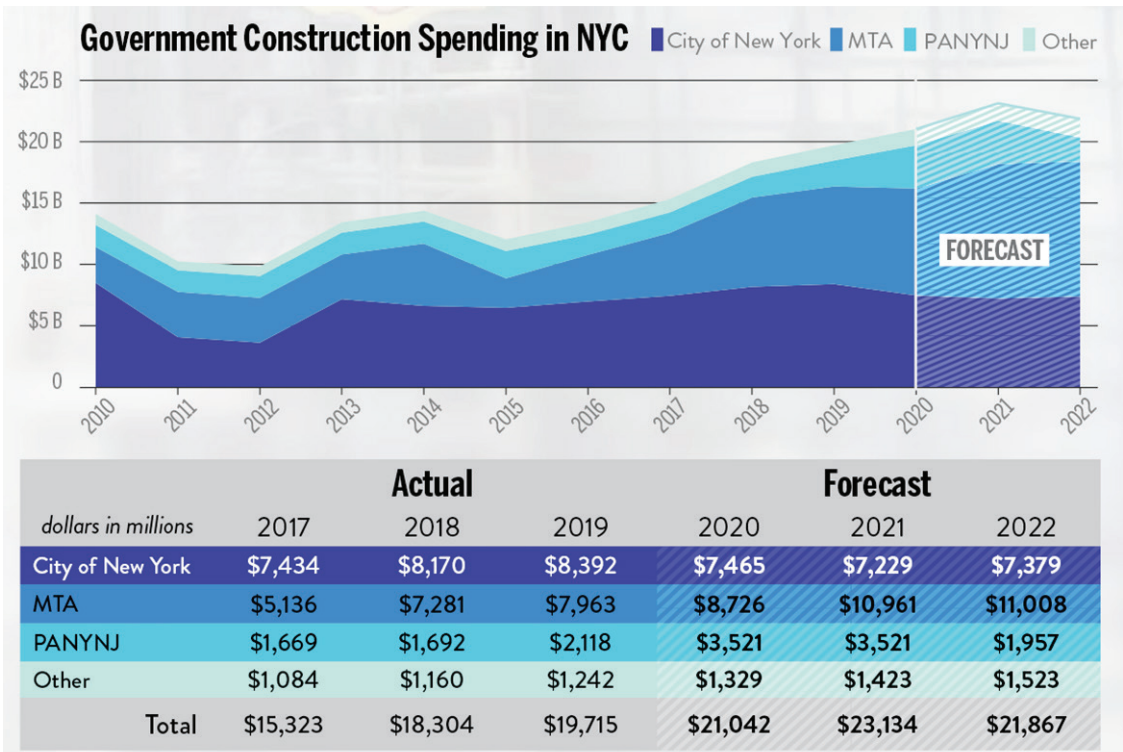
In the first half of the year, the agency committed only \$3 billion of its intended \$13 billion for 2020. The MTA also has yet to receive \$12 billion in requested federal aid, which would offset pandemic-related shortfalls and expenses through 2021. Absent this funding, the MTA stated it would make drastic service cuts and will likely have to change the scope of its 2020-2024 Capital Program. Affected projects may include the Second Avenue Subway Phase 2, Penn Station Access, East Side Access and ADA-accessibility improvements, according to the Building Congress report.

Construction Employment

New York City construction employment is forecasted to drop to 128,200 in 2020, slightly below 2014 levels. Employment will bounce back in 2021 and 2022 to 136,650 and 140,200 jobs, respectively, the report stated. Compared to the three-year period between 2017 and 2019, the forecasted years of 2020-2022 are expected to average 14% fewer jobs.

Residential Construction

The Building Congress anticipates \$17.8 billion in residential construction spending this year, down from a peak of \$19.7 billion in 2019. From 2020 to 2022, residential construction is expected to add 50,450 new housing units, with 20,450 units in 2020 and 15,000 units in each subsequent year. Compared to 2017-2019, the forecasted period will likely result in 33% fewer new housing units and a 14% decline in the square feet of floorspace constructed.



SOURCE: NEW YORK BUILDING CONGRESS

Non-Residential Construction

Non-residential construction spending, which includes office space, institutional development, sports and entertainment venues and hotels, is expected to total \$16.6 billion in 2020, down from \$21.2 billion in 2019. Office construction, which traditionally accounts for half of non-residential spending, is predicted to increase in 2021 and decline in 2022. Spending will be driven by an increase in interior renovations and a decline in core and shell construction. The Building Congress also expects a portion of new office starts to be pushed past the forecasted timeframe into 2023 and 2024.

Government

Construction spending on government projects is projected to exceed \$21.1 billion in 2020, up from \$19.7 billion the previous year. The Building Congress forecasts government

spending to increase to \$23.1 billion in 2021 and level out at \$21.9 billion in 2022.

If government agencies’ capital plans continue as intended, then the public sector’s share of total construction spending will significantly increase. Between 2020 and 2022, government spending will account for nearly 40% of all spending, up from 31% between 2017 and 2019. The Metropolitan Transportation Authority (MTA) and Port Authority of New York and New Jersey (PANYNJ) are predicted to spend more in the forecasted period than in the previous three years. For every government agency, their final capital expenditures the report reiterated will be heavily dependent on the amount of federal aid allocated over the next year.

Additional Public Works

The remaining \$1.3 billion in 2020 public works spending will be undertaken by state and

federal agencies, including the Dormitory Authority of the State of New York, the New York State Department of Transportation and the U.S. Army Corps of Engineers. According to the report, these entities are expected to increase construction spending within New York City slightly over the next two years, totaling \$1.4 billion and \$1.5 billion in 2021 and 2022, respectively.

Survey Shows Lack of Confidence Shifts in Construction Growth Sectors

The Building Congress report stated that the non-essential construction shutdown from March to June will have a “reverberating effect on the market, with 72% of members anticipating that construction activity will be even lower through the remainder of 2020 compared to the first half of the year.”

In light of COVID-19, organi-

zations are anticipating shifts in the type of construction performed in New York City through 2022. As was the case in other economic downturns, members reported that interior renovations may become more prevalent compared to the construction of new buildings. Overall, 73% of members anticipate a decreasing amount of new building construction through 2022. For public works improvements, 57% of members anticipate that construction work on infrastructure will either increase or remain the same.

Overall, the majority of the 79 Building Congress member respondents surveyed between August and September 2020 reported a low level of confidence that the New York City construction market will provide them with sufficient new business opportunities in 2021 and 2022.

In particular, they pointed to the residential and office construction markets as the least encouraging, with 67% and 68% of members respectively reporting low or very low confidence. Members had the highest overall confidence in the institutional construction market (e.g., healthcare, education, cultural), with 37% having either a high or very high level of confidence.

The report also contains recommendations from the Building Congress that included the creation and implementation of a comprehensive, nationwide building plan on the scale of or greater than the New Deal, increasing diversity in the building industry’s hiring, development and leadership practices and the enactment of a citywide public space master plan.

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MTA Faces Dire Financial Crisis, Worst in its History: Comptroller

ALBANY—The Metropolitan Transportation Authority is facing the greatest crisis in its long history, with few viable options without federal funding to avoid cuts in service and staff, additional fare hikes and long-lasting damage that could impair regional transit for decades, according to New York State Comptroller Thomas P. DiNapoli's annual report on the MTA's finances released on Oct. 13.

"The MTA's financial condition is dire," Mr. DiNapoli said. "With ridership down, debt burden rising and no additional help likely from New York state or New York City, the MTA desperately needs an influx of federal funds or unheard-of service cuts and workforce reductions will happen. Failure to fund the MTA now could disrupt maintenance and repairs and increase the MTA's debt to suffocating levels that could take multiple generations to recover from. More than a reliable subway or commuter train ride is at stake. Washington needs to step up to help the MTA if our regional economy is going to fully recover."

The COVID-19 pandemic struck when the MTA was already in difficult financial straits, with budget gaps it had projected in February to what are now at historic levels, as reported in its July Financial Plan: \$3.4 billion in 2020, \$6.3 billion in 2021, \$3.8 billion in 2022, \$2.8 billion in 2023 and \$3.1 billion in 2024. The 2021 budget gap is more than half (53%) of the MTA's annual projected revenue. The gaps in the following years rival those of the Great Recession.

Even after implementation of the MTA's gap-closing program, which includes significant staffing reductions through attrition in its transformation plan, the gaps total more than \$12 billion over the next four years.

Although ridership has begun to recover as parts of the economy reopen, fare and toll revenues for 2020 through 2023 are projected to be \$10.3 billion lower than expected in the February Plan. While the MTA projects ridership—and the revenue it brings—will return to pre-pandemic levels by 2023, this is premised on some risky assumptions. It is modeled on patterns from the Great Recession, when the drop in ridership was significantly less and did not carry the same concerns about viral contagion in close quarters.

Other revenue, from dedicated taxes and subsidies, are forecast to be \$5.5 billion lower for 2020 through 2023, before achieving full recovery.

As revenues plummeted in the early months of the pandemic, the MTA received \$4 billion in federal assistance. And it has budgeted for \$3.9 billion in additional support this year, but has not assumed more afterward.

The MTA has an outstanding request for \$12 billion from the federal government to balance its budget through 2021, but it remains uncertain what, if anything, will be forthcoming. The U.S. House of Repre-



Without additional federal support, MTA Chairman and CEO Pat Foye has warned the agency may have to reduce costs by cutting subway and bus service by 40% and commuter railroad service by 50%.

sentatives passed the revised HEROES Act on Oct. 1, which would provide transit agencies with another \$32 billion in operating assistance. As Congress negotiates another stimulus package, Mr. DiNapoli urged that additional transit assistance be included.

The MTA provides 38% of all public transit trips in the country and more than 50% of city workers use MTA during their commutes. Without additional federal support, MTA Chairman and CEO Pat Foye has warned it may have to reduce costs by cutting subway and bus service by 40% and commuter railroad service by 50%. Fares and toll increases may rise beyond the 4% hikes already planned for March 2021 and March 2023.

If there is no additional federal support, the MTA may have to turn to even more borrowing, which Mr. DiNapoli said should be a desperate choice of last resort. The state has given permission for the agency to issue \$10 billion in debt to cover revenue shortfalls and pay for costs due to the pandemic, but doing so would come at a tremendous price to current and future system users, the State Comptroller noted.

Heavy debt burden is already swallowing up dwindling revenue. The current burden, which has averaged 16.1% of total revenue for the past decade, is projected to reach 25.7% in 2021 before declining to around 23% in 2022 through 2024. The portion of fare and toll revenue funding debt service would reach 78.9% in 2020 and 64.6% in 2021 before declining to 47.2% in 2022.

Outstanding long-term debt issued by the MTA more than tripled between 2000 and 2019, rising from \$11.4 billion to \$35.4 billion. The MTA expects debt outstanding to reach \$50.4 billion by 2024, without any potential additional borrowing.

If the MTA borrowed \$10 billion as allowed by the state, debt service could rise by \$675 million annually starting in 2023, bringing it to more than a quarter of every dollar of revenue.

Borrowing may also continue to be more expensive for the MTA as rating agencies have downgraded its revenue bonds since the pandemic started and interest rates on its bonds rise. The drastic increase in debt service leaves significantly less revenue for other needs and could set the transit system back decades as dwindling capital investment in the system leads to a long-term decline.

Among its other findings, Mr. DiNapoli's report noted that:

- The MTA's transformation plan should be reported on at least quarterly through its gap-closing monitoring report. Delayed until 2021 due to the pandemic, it is now expected to save \$430 million in 2021, growing to \$475 million by 2023.
- The MTA's gap-closing program planned to reduce overtime by more than \$200 million annually starting in 2021, but the July Plan does not reflect this. It has not detailed how it will achieve this reduction.
- Also not reflected in the MTA's July Plan are details on how it will achieve the \$2.2 billion in cost reductions it has identified for 2020-2024.
- Debt service is projected to reach \$4 billion by 2024, an increase of 55% since 2019.
- The MTA's \$54.8 billion capital plan for 2020-2024—along with the revenue it would generate for suppliers and the construction industry—remain at risk with the plan halted and capital funding being reallocated to cover operations.

PEOPLE

Boswell Engineering Appoints Anderson NYS Regional Director

SOUTH HACKENSACK, NJ—Boswell Engineering has hired Michael "Mike" P. Anderson, P.E., as its New York State Regional Director. To his new job Mr. Anderson brings more than 42 years of experience in public works, including 32 years of service with the New York State Department of Transportation (NYSDOT), and more recently at AECOM, as the vice president of Transportation in Metro New York.

Over his four-decade career, Mr. Anderson has worked in the sectors of Transportation Engineering, Construction Engineering, Transit Planning and Engineering, Design/

Build, Environmental Analysis and Process Review, Contract Administration and Dispute Resolution. During his tenure at the NYSDOT, he served for more than 13 years as a construction engineer in Region 8 (Lower Hudson Valley), managing more than 600 projects with an approximate construction value of \$2.5 billion.

As a senior official, Mr. Anderson was also involved with several high-profile projects, including the replacement of the Tappan Zee Bridge, the replacement of the Brooklyn Queens Expressway (BQE) Cantilever, and following the events of September 11, 2001, the

reconstruction of the Route 9A corridor in lower Manhattan. In addition, he served as an assistant to the NYSDOT's executive deputy commission/chief engineer, providing independent oversight on select problematic projects throughout the state.

As New York State's project director for the Tappan Zee Bridge replacement project, Mr. Anderson led a multi-agency team in developing and delivering the EIS and Federal Record of Decision for the new \$3.9 billion, twin cable-stayed bridge crossing the Hudson River, in an accelerated timeframe of 11 months. Mr. Anderson's active participation on major



Michael P. Anderson, P.E. transportation related projects has an aggregate construction value of more than \$10 billion.

His email is manderson@boswelleng.com.

Boswell Engineering, a fully integrated, multi-disciplinary engineering firm with multiple offices located in the tri-state area, has been offering professional consulting services to public and private sector clients since its founding in 1924. Boswell is ranked nationally among *Engineering News-Record's* (ENR) Top Design and Top Construction Management Firms, regionally among ENR'S Top Design Firms in the New York/New Jersey Region, and as one of *Crain's* Top 20 Engineering Firms in the New York Metro Area.

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Transportation, Elected Officials Amp Up Call For Urgent Federal Funds to Save NY Transit

BRONXVILLE, NY—Metro-North Railroad President Catherine Rinaldi, New York State Assemblywoman Amy Paulin and Bronxville Mayor Mary Marvin joined labor leaders and advocates on Oct. 7 to demand that any federal emergency funding bill cover all transportation sectors and to urgently call on the United States Congress and White House to authorize \$12 billion in desperately needed COVID-19-related relief for the MTA to avert draconian railroad service reductions.

MTA leaders warned that without such assistance, it would have to impose railroad service reductions of up to 50%, fare increases, layoffs and the gutting the MTA's historic capital plan. The coalition also insisted the bill include at least \$32 billion in total emergency aid for public transportation across the country, which is critical to the nation's economic recovery.

Because of the COVID-19 pandemic, the MTA's 2020-2024 Capital Plan is already on hold—a direct hit to Metro-North and MTA customers, employees, suppliers and the region as a whole. The authority's capital expenditures generate nearly \$50 billion in infrastructure investments and more than 100,000 jobs nationwide—making it one of the nation's largest drivers of economic activity. Without needed federal funding, the MTA could be forced to severely scale back the historic \$51.5-billion capital construction plan desperately needed to modernize the railroad and expand the New Haven Line to Penn Station via four new stations in the Bronx.

Since the start of the COVID-19 pandemic in New York in March, Metro-North Railroad has played a critical role in helping riders get to their location safely, ensuring doctors, nurses and so



President of MTA Metro-North Railroad Catherine Rinaldi said the magnitude of the COVID-19 crisis gets worse every day for the MTA.

many other essential employees get to their jobs on the front lines. Currently, Metro-North is operating at 63% of its pre-pandemic schedule.

"As we stand alongside our fierce advocates and community leaders in this fight for federal funding, we want the government to truly understand how critical this is for our riders and employees," said Ms. Rinaldi. "For months we have been calling on the federal government because the magnitude of the COVID-19 financial crisis only gets worse every day. We can only begin to imagine the long-lasting impacts potential service cuts could have on our region and that's why we look to leaders in both red and blue states and urge them to come together to save transit."

"Public transportation is our lifeline," added State Assemblywoman Paulin. "New York wouldn't be New York without it. Residents in Westchester County and right here in Bronxville

depend on the Metro-North Railroad every single day. Until we have a vaccine, ridership and revenue are diminished and we cannot let our residents suffer as a result. Please federal government, keep us riding, don't just sit and watch the closing doors."

Bronxville Mayor Marvin noted, "Reliable train service is critically important for Bronxville residents, and for our entire region. In this time of economic recovery, it is more important than ever that people can get back into New York City to work, go to school, and visit the many cultural institutions that make our area special. This is impossible without an investment in transit. We must get federal funding to prevent these catastrophic service cuts, and make sure New York remains one of the greatest cities in the world."

Scarsdale Mayor Marc Samwick said, "Part of what makes Scarsdale such a wonderful community is quick and reli-

able train service to New York City. Our residents and businesses depend on it. If federal funding does not come through to save the MTA, it could take decades to repair the damage to our suburbs and the downstate region as a whole."

Labor leaders at the press conference included representatives of the Teamsters and Transportation Communications Workers, and the Association of Commuter Rail Employees unions.

"When you cut service, that makes it even more difficult to get back on the train because people aren't going to have the flexibility or movement that they had in the past," said F. Christophe Silvera, Financial Secretary of Teamsters Local 808. "So, we're calling on the Senate and the House to pass a bill that serves the interests of working Americans, not only here in New York City, but throughout the country."

"COVID-19 continues to have a devastating and historic impact on New York's MTA and its workforce," said Michael Sanchez, TCU Local Chairman for Local 982. "The MTA is on the brink of financial collapse and the heroes that operate the system are facing furloughs by the thousands. This nightmare scenario is not inevitable and we call on Congress to provide billions in emergency aid for the MTA before it's too late. The irreplaceable services of the MTA, and thousands of jobs depend on it."

"We cannot allow the MTA to fail as it is paramount to the economic stability and growth to NYC and the region we service," said Matthew Mitchell, general chairman of ACRE Local 9. "We also must avoid furloughs or layoffs at all costs and keep the men and women who have been at risk of exposure since day one a priority."

Facing \$59 Billion Shortfall, Gov. Cuomo Warns Of Major Cuts If Feds Don't Pass COVID Relief

Continued from page 1

the coming fiscal year. Transportation authorities around New York City expect to take in \$15 billion less revenue due to drops in subway, train and air passengers," according to a report published in *The Wall Street Journal*. In addition, New York City and other local governments will be grappling with \$13.5 billion in shortfalls over the next two years, Mr. Cuomo's office estimates.

"At this time, we continue to move programmed projects forward in the Hudson Valley Region," stated NYSDOT spokesperson Joe Morrissey. "The ability of New York to continue to provide its residents with an unparalleled level of public services is contingent upon Congress providing states and local governments with the necessary stabilization funds to mitigate the direct revenue losses attributable to COVID-19."

Mr. Morgan added that construction contractors are concerned that there are not many large NYSDOT projects in the hopper at the moment. They are hopeful that some large projects upstate, as well as some significant jobs downstate, including the expansion of Route 17 in Orange County, can advance. He also noted that the prospects for the Metropolitan Transportation Authority and the Port Authority of New York and New Jersey are bleak without additional federal COVID stimulus funding.

While governments throughout the United States are feeling the hit from the virus, the situation in New York is worse than other places. Moody's Investors Service is forecasting the fiscal shock to the state government will be \$29 billion through the end of the 2022 fiscal year. That is 1.9% of gross state product, which is above the national average, said Moody's economist Emily Mandel.

New York State requires \$30 billion during the current fiscal year and next to avoid massive dis-

ruption. New York City requires \$9 billion, local governments outside of New York City require \$4.5 billion, the MTA requires \$12 billion, and the Port Authority of New York and New Jersey requires \$3 billion.

Last month, the Metropolitan Transportation

without an injection of \$12 billion in emergency federal aid. Let me be clear: federal funding for mass transit isn't a red or blue issue—it's a jobs issue. Our future—and the fate of approximately 100,000 MTA-created out-of-state jobs—rests squarely in the hands of the Senate and White House."

On Oct. 7, Metro-North Railroad executives, elected officials and transportation advocates staged a press conference at the Bronxville Metro North station calling for much-needed federal funding. See story above.

The MTA has threatened that without further COVID assistance, it would have to cut Metro North and Long Island Railroad service by 50% and eliminate West of Hudson service entirely.

Other states have approached their budget crunches in different ways. Officials in Massachusetts, Pennsylvania, South Carolina and Rhode Island adopted only partial budgets this year due to coronavirus-related uncertainty, according to the National Association of State Budget Officers. Some states have adopted budgets that are drawing down reserves, capping tax deductions for businesses and delaying billions of payments on scheduled contract increases. New Jersey pushed back the start of its fiscal year to October, and last month enacted a budget that increased income taxes on millionaires and authorized \$4.5 billion in borrowing, according to the Office of Gov. Phil Murphy.

Here in New York, Gov. Cuomo is waiting to address the deficit with any service cuts or potential tax increases after his staff can recalculate and consider options after the national elections.

"My position is, the state is not liable for this deficit. It was caused by the federal government's negligence. So, I'm not taking action to close the deficit—the federal government has to make up for the deficit," Mr. Cuomo said on Oct. 7.

How is New York State Coping?

- To keep state checks from bouncing, the state has borrowed \$4.5 billion.
- The state held back 20% of scheduled payments to municipalities, school districts and social service organizations throughout the summer.
- The state has so far postponed scheduled raises for public workers that were due in April.
- Some organizations and schools laid off employees as a result of the delays in pay raises.
- The \$2.2 billion in funds the state has withheld could transform into permanent cuts if there is no federal aid.

Authority Chairman and CEO Patrick J. Foye sent a series of letters to the authority's 11 largest suppliers, warning that without an immediate injection of \$12 billion in federal aid for all current and future contracts with companies from Kentucky to California are in jeopardy.

Since 2011, the MTA has created as many as 100,000 out-of-state jobs in nearly all 50 states. MTA capital expenditures are among the nation's largest drivers of economic activity, generating nearly \$50 billion in infrastructure investment nationwide. Additionally, hundreds of medium and smaller-sized suppliers, including MWBE firms, will also be impacted if the MTA does not receive federal assistance.

"The COVID-19 pandemic has exacted a horrific toll in human, social and economic terms across the nation," MTA Chairman Foye said. "I am writing to alert you that because of this financial devastation, many current and all future contracts are in jeopardy

Financial Management

PPP Loan Forgiveness: A Focus on Calculating FTEs

By PHILLIP ROSS, CPA, CGMA, PARTNER

Your construction company likely applied for your PPP loan months ago, received your PPP loan, and are now in the process of preparing to submit your loan forgiveness application once your lender is ready to accept it (SBA Form 3508 or Form 3508EZ). Borrowers who received a PPP loan before June 5, 2020 can elect to calculate their eligible costs using either an eight-week or 24-week Covered Period. Borrowers who received their PPP loan on or after June 5, 2020 must use the 24-week period. Any borrower who files a loan forgiveness application using a 24-week Covered Period can file their loan forgiveness application before the end of the 24-week Covered Period.

Many contractors are still in the process of gathering payroll data, health and retirement costs, rent, utilities and mortgage interest costs so that they can file their PPP Loan Forgiveness Application. In this article, we will be discussing the definition of average Full-Time Equivalent (FTE) Employees and how this is calculated.

First, Determine Which Loan Forgiveness Application Form to File - Form 3508 or Form 3508 EZ

Before thinking about how to calculate FTEs, the borrower should know which form to file, as this will impact the computations the borrower will need to perform for purposes of calculating loan forgiveness. Does the borrower meet the requirements to file Form 3508 EZ (the short-form filing) or will the borrower be required to file Form 3508 (the long-form filing)? If the borrower meets one of three criteria as provided on Form 3508 EZ Instructions, they are able to avoid calculating an FTE Reduction Quotient (as discussed below). However, borrowers who file Form 3508 EZ by meeting the second set of requirements (checking the second box on page 1 of Form 3508EZ), are still required to calculate FTEs, but as of January 1, 2020 and as of the last day of their covered period.

When Calculating FTEs, it is Critical that You Know Certain Definitions:

FTE

The Small Business Administration (SBA) defines a Full-Time Equivalent employee [FTE] as "an employee who works 40 hours or more, on average, each week." The hours of employees who work less than 40 hours are calculated as proportions of a single FTE employee and aggregated. The calculation of an FTE is explained in more detail below.

Covered Period

The Covered Period is (1) the 24-week (168-day) period begin-

ning on the PPP Loan Disbursement Date, or (2) if the borrower received its PPP loan before June 5, 2020, the borrower may elect to use an 8-week (56-day) Covered Period. Borrowers using the 24-week Covered Period can file their loan application before the end of the 24-week period. In no event may the Covered Period extend beyond December 31, 2020.

Reference Period

The Reference Period for FTEs is either (i) February 15, 2019 to June 30, 2019, or (ii) January 1, 2020 to February 29, 2020. The borrower can choose which reference period is most beneficial to them (i.e., results in a lower FTE). Seasonal employers have a third period to choose from, which can be any consecutive 12-week period from May 1, 2019 to Sept. 15, 2019.

How to Calculate FTEs

For filers of Form 3508, borrowers must calculate average

reference Period. The borrower calculates an average FTE separately for each employee and then aggregates them for the Covered Period and also separately for the reference period.

To calculate the average FTE for each employee, borrowers need to accumulate the total hours paid during the Covered Period (and chosen Reference Period) and divide the average number of hours paid per week during the relevant period by 40, and round to the nearest tenth. (e.g., If an employee's average FTE was calculated to be 0.65 FTE,

that amount would be rounded

The borrower should not calculate FTEs for those individuals that are deemed owner-employees of the company. For S and C Corporations, to be deemed an owner, an employee must own at least 5% of the company stock. If an LLC is treated as an S-Corporation for tax purposes, the same 5% rule applies.

FTEs for both (i) the Covered Period, and (ii) the chosen Ref-

Please turn to page 19



ning on the PPP Loan Disbursement Date, or (2) if the borrower received its PPP loan before June 5, 2020, the borrower may elect to use an 8-week (56-day) Covered Period. Borrowers using the 24-week Covered Period

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Safety Watch

Successful Safety Program Keys For New and Small Contractors

By GEOFFREYS.S. POPE, ESQ.

A remarkable feature of the U.S. construction industry is the prevalence of companies that may have a lone principal who estimates jobs, oversees a few workers out of the local hiring hall, operates a backhoe and runs the business from a spare room at home. While many such companies serve as subcontractors to larger enterprises, even tiny shops often carry out remarkably expansive work.

Here's an essential guide for such new or small construction firms that may not yet have a formal safety program nor the resources to hire expensive consultants or a safety director.

While there are start-ups that have been in business for years without having undergone an OSHA inspection, odds are you will see an "Occupational Safety & Health Officer" now and then. While being in construction is, of itself, deemed sufficient to subject you to inspection, other leading causes for OSHA inspections are fatalities or serious injuries or illnesses, which you are required to report to OSHA, along with employee complaints, tips from your competitors and, ostensibly, chance encounters (as in when a Compliance Officer, driving by your jobsite, detects a violation).

Although the monetary penalties for any but "Repeat" or "Willful" violations are generally modest—and nearly all construction employers are eventually cited for one or more violations—avoiding OSHA citations is your No. 2 safety priority. The first is obvious: avoiding fatalities and serious injuries and illnesses on your jobs.

While OSHA mandates safety training, and its importance can hardly be over-stated, realistically efforts to immerse all of your workers in all of the standards are unlikely to be totally successful. While, technically, employees are required to receive training in a language that they understand in all of the safety and health standards that apply to their employment, in addition to the breadth of the material, more than 600 languages are spoken just in New York City (and dozens of them are the first languages of significant numbers of construction workers who are not proficient in English). So far as I'm aware, Spanish is the only language (other than English) in which substantial resources for construction safety training are offered. Few if any construction companies employ or have affordable access to a multi-lingual cadre of trainers whose skills embrace both language fluency and have a sufficient grasp of construction vocabulary.

Where to begin? You will probably want to acquire a copy of 29 C.F.R. 1926 (OSHA's



construction standards), which is available online for free, with paper copies costing about \$50. Use that and your experience to develop a basic list of work rules to concentrate on the "Fatal Four," and other hazards relevant to your trade. While a professionally-prepared, com-

prehensive company safety manual should be acquired at the earliest opportunity, your review of the standards should produce a list, perhaps two to four pages long, of the most important safety rules. You can provide this list (competently translated as necessary) to new hires, and keep in your files a copy, signed by each of them, acknowledging that they have received, read, and understood the rules. (Note to Self: make certain this list includes, in boldface, a disclaimer that the list of rules being given at the time of hire is not all-inclusive.)

The aforementioned "Fatal Four" account for nearly 60% of

construction fatalities, including falls, struck-by injuries,

ed "Do's and Don'ts" for developing your fledgling construction safety program.

Lead from the top.

If field supervisors and the rank-and-file are convinced that ownership and management place a high value on employee safety, injuries and violations will be less likely to occur. Senior management should take some role in training, and in case of a serious occurrence, should be heard from, in person, by the rank-and-file.

Invest in field supervisors who know

and enforce OSHA's safety rules. The construction workforce, both union and non-union, Please turn to page 18

Keep it Simple: Brief presentations focused on critical issues are generally more effective than long, infrequent seminars that cover multiple topics. Any incident, near-miss, or OSHA violation must be seen by you as a learning experience and an incentive to improve your performance.

caught in/between injuries (including trench cave-ins) and electrocutions.

Here are some more suggest-



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Safety Watch

union, has high turnover, and it includes many young, risk-taking males. It also includes many with limited education and proficiency in English, or who will be less than attentive listeners at daylong or half-day safety seminars.

Therefore, to the maximum extent possible, hire and retain field supervisors well-trained in the standards and who will not look the other way. They need to call if someone isn't tied off, or enters an unshored trench. In OSHA's eyes, safety rules not enforced are meaningless.

Don't assume that hiring workers with experience or "OSHA 10" cards sufficiently addresses the problem. Increasingly, OSHA 10-hour training is mandated for all field employees. However, not everything can be covered in 10 hours, and the instruction is often poorly understood. I once had an OSHA case in which an experienced, well-trained union Ironworker, in his 40s, died from a fall off a bridge because he neglected to affix his lanyard to a convenient anchor point while working with a "helldog" 90 feet above grade.

Keep OSHA's "multi-employer rule" in mind. Remember that, on a multi-employer jobsite, the "creating, controlling, correcting and exposing" employers are all subject to being cited for OSHA violations. (The "correcting" employer is usually one responsible to install or maintain particular items of safety equipment, or whose role on the project is specifically to prevent or correct safety hazards). This policy needs to be considered, and your employees given sufficient training regarding hazards commonly created by trades with whom they may work in close proximity.

Engage with other contractors on your projects. GCs and CMs generally have greater resources than subs do with respect to safety. Foster cooperation among all of the construction employers on

Continued from page 17

your jobs (and discreetly call out any hazards or deficiencies as you may perceive).

While your company is growing, take advantage of low-cost and no-cost resources. OSHA's website regularly posts information concerning construction safety, and your local office will assist you with technical issues and special programs. You can purchase at low cost posters, signs, materials and many other items for "toolbox talks" on diverse subjects. Trade groups and unions often sponsor seminars, and a huge amount of construction safety information can readily be found online.

Document your efforts. If you conduct a toolbox talk or seminar, keep an outline of the subjects covered and a sign-in sheet identifying participants. If an employee is disciplined for a safety infraction, keep on file a written record of the date and other particulars signed by both a supervisor and the employee. One day, such records may become critical in OSH Review Commission or other proceedings.

Persistence and repetition are the keys. Brief presentations focused on critical issues are generally more effective than long, infrequent seminars that cover multiple topics. Any incident, near-miss, or OSHA violation must be seen by you as a learning experience and an incentive to improve your performance.

Safety is critical to employee morale, profitability and even your business's survival in challenging times like now. Even if you must "start small" in terms of budgeting, good results are not only possible, but essential to your company's growth and success.

About the author: Geoffrey S. Pope, Esq. is counsel to the construction law firm of Welby, Brady & Greenblatt, LLP. The articles in this series do not constitute legal advice and are intended for general guidance only.

\$204M Bruckner Expressway Improvement Project Completed

Continued from page 10

New York State Department of Transportation Commissioner Marie Therese Dominguez said, "Investing in critical infrastructure is one of the first building blocks in revitalizing communities, and one project at a time, DOT is advancing innovative projects that have generational impacts on the lives of New Yorkers. The completion of this project on this major thoroughfare in the Bronx exemplifies Governor Cuomo's steadfast commitment to building an infrastructure that is smart, sustainable and resilient."

New York State Sen. José Serrano said, "Local residents and businesses rely on the Bruckner daily and this reha-

bilitation project will enhance transit and commerce in the Bronx for years to come."

Bronx Borough President Ruben Diaz Jr. said, "As we fight our way back from the pandemic, we need to ensure that our roads and public spaces can support the demands of our community. Our infrastructure is a key component of ensuring the Bronx bounces back with robust economic activity as well as improved quality of life."

To reduce impact to motorists during construction, the New York State Department of Transportation maintained three eastbound and westbound Bruckner Expressway (I-278) mainline travel lanes during peak travel times.



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Financial Management

Continued from page 15

to 0.7 FTE). The maximum FTE for each employee is at 1.0 FTE (i.e., any employee working on average 40 or more hours will count as an FTE of 1.0).

Borrowers can choose a simplified method that assigns 1.0 FTE for employees who work on average 40 or more hours per week and 0.5 FTE for employees who work on average less than 40 hours per week. If choosing this method, borrowers must apply it consistently to both the Covered Period and Reference Period.

Owner Employees are Excluded from the FTE Calculation

The borrower should not calculate FTEs for those individuals that are deemed owner-employees of the company. For S and C Corporations, to be deemed an owner, an employee must own at least 5% of the company stock. If an LLC is treated as an S-Corporation for tax purposes, the same 5% rule applies.

Where do you Report the FTEs for Each Employee for the Covered Period and the Reference Period?

Borrowers should report each employee's average FTEs for the Covered Period on Table 1 (for employees earning \$100,000 or less per year or those who were not employed in 2019) and Table 2 (for those employees earning more than \$100,000 per year) of PPP Schedule A Worksheet (Form 3508, p.4). Then, add up each employee's FTEs for Table 1 and Table 2. These totals are reported on PPP Schedule A Line 2 (from Table 1) and Line 5 (from Table 2), which are then totaled on Line 12 of PPP Schedule A (See Form 3508, p.3). **Borrowers report Total Average FTEs for the Chosen Reference Period on Line 11 of PPP Schedule A. Id.**

Calculating the FTE Reduction Quotient—This is calculated on Form 3508, Line 13, on page 3 by dividing FTEs during the Covered Period by FTEs during the chosen Reference Period. On page 1 of Form 3508, Line 8, borrowers multiply the FTE Reduction Quotient by the sum of all eligible costs, which include payroll, rent, utilities, and mortgage interest reduced by any salary/hourly wage reduction amount. The product of these amounts multiplied by the FTE Reduction

Quotient is referred to as the Modified Total.

FTE Reduction Exceptions (See Form 3508, page 5)

The FTE Reduction Exceptions apply on an employee by employee basis and if the employee's (can also be multiple employees who meet the exceptions) circumstances meet any of these exceptions. A reduction in FTEs for any such employee does not reduce the borrower's loan forgiveness. For example, if Employee A had an FTE of 1.0 during the Reference Period and this employee met one of the reduction exception criteria below, such as Employee A voluntarily resigned at some point before or during the Covered Period, the borrower would include this employee as 1.0 FTE during the Covered Period.

The FTE Reduction Exceptions are as Follows:

(1) any positions for which the borrower made a good-faith, written offer to rehire an individual who was an employee on Feb. 15, 2020, and the borrower was unable to hire similarly qualified employees for unfilled positions on or before Dec. 31, 2020;

(2) any positions for which the borrower made a good-faith, written offer to restore any reduction in hours, at the same salary or wages, during the Covered or Alternative Covered Period, and the employee rejected the offer; and

(3) any employees who during the Covered or Alternative Payroll Covered Period (a) were fired for cause, (b) voluntarily resigned, or (c) voluntarily requested and received a reduction of their hours.

In all of these cases, include these FTEs only if the position was not filled by a new employee.

To better understand how these changes impact the construction industry, please contact your CPA and/or banker.

Disclaimer: Please note this is based on the information that is currently available and is subject to change.

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.

Gov. Cuomo Announces \$357M in Renewal Projects

Continued from page 4

- \$490,000 to resurface Route 433 from Connecticut state Line to Route 22 in Town of North Castle, Westchester County.

- \$5.2 million to resurface Route 22 from Route 120 to Middle

Patent Road in the Town of North Castle, Westchester County.

Also in the region, the state has allocated approximately \$11.4 million in projects to repair four lane miles of concrete pavements on ramps on New York City roads.

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NYC Building Unit Seeks Proposals for Detention Facility in Manhattan

NYC Moves Forward with Design-Build Program

LONG ISLAND CITY, NY—The NYC Department of Design and Construction (DDC) issued a Notice of Intent (NOI) on Oct. 20 detailing the first set of projects in its Public Buildings division that will proceed under the agency’s developing Design-Build program and seeking input from firms regarding their intent to participate in the program.

“We’re very pleased to introduce our new design-build program, which will reduce costs and project durations for critical public buildings such as firehouses, libraries and recreation centers,” said DDC Commissioner Lorraine Grillo. “Our design-build team has been researching, preparing and implementing best practices so that our industry partners will consider us an owner of choice, and we expect a robust response to our future solicitations.”

She added, “We plan to implement design-build gradually and then observe and modify the program as we go. This Notice of Intent for a limited group of projects alerts firms to begin forming their design-build teams for DDC projects, and we’re prepared to help in that regard, particularly as it relates to minority- and women-owned business enterprises, which are highly encouraged to participate.”

The NOI is the first of a



The DDC’s Public Buildings Division recently completed a new, environmentally sustainable firehouse for FDNY’s Rescue Company 2 in Brooklyn.

number of steps toward procurement, and is intended primarily for informational and planning purposes. No qualification submittals are requested at this time. Later this year the agency will issue Requests for Qualifications (RFQs) that design-build teams can respond to with Statements of Qualifications (SOQs). Qualified teams will then be able to respond to subsequent Requests for Proposals (RFPs) that will be issued by the agency for various specific public buildings projects.

Interested parties are en-

couraged to return the NOI Response Form where they can indicate whether they anticipate responding to future RFQs as well as reasons why they may not. Firms completing the Response Form that are seeking to team with other firms in the architecture, engineering and construction industries can also request to have their contact information posted publicly on the DDC website.

The design-build method of project delivery offers several advantages over the traditional low-bid method that city government has been required to use

in the past, including reducing project costs and durations and improving coordination between designers and builders. DDC and several other city agencies received permission from the State of New York in December 2019 to begin using design-build for a variety of projects. Since that time, DDC has been working to identify suitable projects to proceed under design-build and to develop a program and materials to proceed with the necessary procurements.

DDC seeks design-build teams that are dedicated, re-

sponsive and collaborative, exemplifying the principles that guide the agency’s Project Excellence program. This will be reflected in the evaluation of SOQs and in subsequent RFPs and Design-Build Agreements. Information about DDC’s Project Excellence program can be found at <https://designbuild.ddcanywhere.nyc>.

DDC intends to use in its design-build program, qualified firms that have a demonstrated history of hiring, training, developing, promoting and retaining minority and women staff and to encourage participation by city- and state-certified M/WBE firms. Each design-build project will be subject to M/WBE participation goals for both design/consulting and construction activities.

Eligible firms are encouraged to get certified, and/or to get their eligible trade partners certified, well in advance of SOQ submission. For information about getting certified and assistance in contacting qualified M/WBE firms for partnering and subcontracting opportunities, please visit the website of the NYC Department of Small Business Services.

DDC will not respond to any inquiries for information about the projects or the intended solicitations. Additional information will be publicly announced at a later date and interested

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Economic Outlook

Region's Job Loss from Pandemic Worst Since the Great Depression

By MICHAEL J. PATON

The COVID-19 pandemic brought to an abrupt halt the longest and strongest job expansion in the nation's history, leading to massive job losses and a recession. By the third week of March, the Dow Jones Industrial Average lost more than one-third of its value and consumer confidence was severely shaken. While the Dow has recovered a large share of its losses, it remains volatile and still below its pre-pandemic peak.

The Gross Domestic Product contracted by 5% in the first quarter of 2020 and by an historic 32.9% (on an annualized basis) in the second quarter. The nation's economy has since been recovering, being helped by fiscal and monetary policies. However, the social, economic and budgetary impacts of the pandemic have been unprecedented, particularly in the downstate region.

While the number of new COVID-19 cases has fallen dramatically since the peak in early April, almost 24,000 New York City residents (the area hardest hit) have already died from the virus. Social distancing measures and restrictions on non-



essential businesses helped slow the spread of the disease, but also sharply reduced economic activity. In New York City, more than 944,000 jobs were lost in March and April, the largest job loss since the Great Depression.

Congress has approved four stimulus bills with a combined value of \$2.4 trillion, and the Federal Reserve has already increased its balance sheet by about \$3 trillion. Although the Fed is committed to using its full range of tools to support the economy, the Chairman has stated that the severity of the downturn will depend on the policy actions taken at all levels of government to provide relief and support the recovery. Congress is considering an-

other stimulus bill that would aid businesses, households, and state and local governments.

Lack of federal action may be particularly difficult for the New York region to bear. According to a State Controller report, in the absence of additional federal aid, the governor has indicated that further actions will be needed to close a \$13.3-billion gap in the state's budget, including an \$8.2-billion largely recurring reduction in aid to localities. Although still unspecified, a cut of this size would likely have a large adverse impact on all of the region's budgets and its residents.

The Metropolitan Transportation Authority is critically important to the regional economy, but it faces an unprecedented financial crisis. Although it has received \$4 billion in federal aid, it still projects a combined budget gap of \$9 billion for 2020 and 2021. New York City, New York State and the MTA all need additional federal aid to mitigate the impact of the COVID-19 pandemic on their budgets. The three are closely

intertwined, and failure to aid one could adversely affect the others.

The COVID-19 pandemic has

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The three are closely intertwined, and failure to aid one could adversely affect the others.

already had a very significant negative impact on local government finances. State and local governments have all witnessed a sharp decline in sales tax revenues. Local government sales tax collections declined by 16.9% for March through August 2020 compared to the year before. For August alone, this decline was nearly 8%. The state has estimated that its sales tax revenues will decline by 21.7% in State Fiscal Year 2020-21 and

will not return to SFY 2019-20 levels even by SFY 2023-24. This drop in revenue is similar to the decline in July of 8.2%, though much less extreme than the early months of the pandemic when sales tax collections plummeted by double digits.

Almost every county in the state saw drops in overall collections for August, ranging from 1.3% in Tioga to 35.5% in Delaware. New York City had a 7.1% decline, a \$43.9-million reduction in revenues, which was comparable to the 7.3% (\$44.6 million) decrease seen in July. The two counties with collection increases were Hamilton (1.1%) and Westchester (18.6%). Westchester's tax rate increase in 2019 may account for some of its year-over-year growth in August.

Congress is currently debating the size and the content of another COVID-19 relief bill, but the outcome is uncertain. Without additional federal aid, the region's local governments will need to make difficult choices to

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LOW BIDS

ECCO, JR Cruz, El Sol Win NYSDOT Projects

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

ECCO III Enterprises Inc. of Yonkers, NY was the lowest of five bidders at \$4,281,701. for Structures Where & When Region Wide in Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester.

JR Cruz Corp. of Aberdeen, NJ was the lowest of 17 bidders at \$3,323,210.25 for bridge repairs and improvements on Westchester Ave. over Sheridan Blvd. in the Bronx.

El Sol Contracting ES II of Maspeth, NY was the lowest of 11 bidders at \$8,677,925. for Where and When Bridge Repair Contract in Bronx, Kings, New York, Queens and Richmond counties.

DA Collins Lands On-Demand Upstate Work from NYS Thruway

ALBANY—The New York State Thruway Authority announced recently the selection of **DA Collins Construction Company** of Wilton, NY as the lower of two bidders at \$2,823,600. for on-demand infrastructure repairs at various locations in Rensselaer, Columbia, Ulster, Green, Albany, Schenectady and Montgomery counties in accordance with the plans and specifications.

Johnson Controls, R. Pugni & Sons Win Westchester DPW Projects

WHITE PLAINS—The Westchester County Department of Public Works recently announced the selection of two apparent low bids for work in the county.

Johnson Controls Inc. of Hawthorne, NY was the lower of two bidders at \$3,443,196. for countywide maintenance service of small air conditioning systems (less than 50 tons) at various locations in Westchester.

R. Pugni & Sons, Inc., of Katonah, NY was the lowest of 16 bidders at \$795,975. for Food Compost Facility and Education Center at the Valhalla Campus in Valhalla, NY.

Economic Outlook

Continued from page 21

ensure budget balance in the current fiscal year and to close next year's budget gap. In conclusion, the region faces unprecedented fiscal and economic challenges that could make balancing their budgets extremely difficult.

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

NYC Moves Forward With Design-Build Program

Continued from page 20

vendors are advised to closely watch DDC's design-build website for announcements at the link below. All solicitation documents and amendments will be posted on DDC's website at <https://designbuild.ddcany-where.nyc/>.

In June, DDC issued an RFP to select an Owner's Representative for its new design-build program.

On Oct. 21, the NYC Department of Design and Construction (DDC) released a list of three short-listed design-build teams for the Manhattan detention facility as part of the city's Borough-Based Jails Program. The short-listed design-build teams will now compete in a Request for Proposals (RFP). The team that presents the proposal that provides the best value to the city will be selected to design and build the new Manhattan detention facility, one of four new borough-based jails constructed to replace Rikers Island.

"It is a very important moment for the Borough Based Jails Program to be able to announce the three firms selected for the short-list for the Manhat-

tan site," said DDC Commissioner Lorraine Grillo. "As this announcement demonstrates, this transformational program is funded and planning and procurement are proceeding. In addition to this milestone, we also continue to seek qualified firms to form the next design-build teams that will create the more humane facilities in Brooklyn, Queens and the Bronx."

The three firms had previously responded to a Request for Qualifications (RFQ) with their own Statements of Qualifications (SOQs). After a review by DDC that emphasized a proven history of exceptional performance along with good labor relations, the ability to meet important diversity goals and the ability to develop and implement innovative building designs, the three firms will now compete through an RFP process for the right to contract for the design and construction of the new Manhattan facility.

The three firms selected are: Gilbane Building Company (New York, NY); Leon DeMatteis Construction Corp. (Elmont, NY) and Plaza Construction LLC (New York, NY).

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