



Construction NEWS



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MAY 2021

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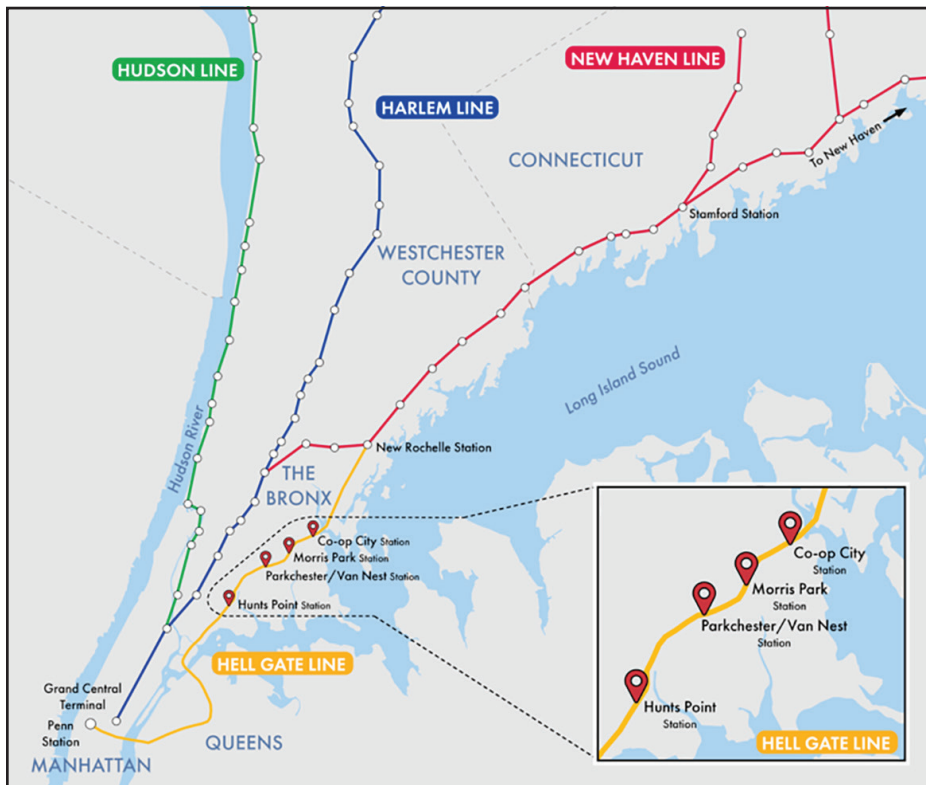
MTA Resumes RFPs for Bids on \$1.6B Metro North Penn Station Access Project

By JOHN JORDAN

ALBANY—In another sign of a re-opening economy, Gov. Andrew Cuomo reported on May 13 that the delayed Metro North Penn Station Access project will now be resumed with bids going out shortly on the nearly \$1.6-billion initiative.

The plan, which was paused last year due to the onset of COVID-19, calls for the construction of four new Metro-North Railroad stations in Hunts Point, Parkchester, Morris Park and Co-op City in the Bronx as well as major track upgrades in that borough. The governor reported that the state, MTA and the federal government had come to an agreement on a \$1.58-billion budget for the project.

The MTA will now solicit three consortia to bid on the design-build project through a Request for Proposal (RFP). Back in February 2020 the MTA announced it had selected the teams of Halmar International, LLC/Railworks, JV (Ove Arup & Partners P.C., lead designer); Skanska ECCO III Penn Station Connectors, JV (AECOM USA, Inc., lead designer) and Tutor Perini/O&G, JV (Parsons Transportation Group of New York, Inc., lead designer) as qualified to



A map of the Metro North Penn Station Access project that calls for the construction of four new Metro North Railroad stations in Hunts Point, Parkchester, Morris Park and Co-op City in the Bronx, as well as major track upgrades in that borough.

bid on the Penn Access job. However, the project was put on pause due to the onset of the coronavirus pandemic the following month.

The governor also announced that the federal government has given the MTA approval to publish the draft Environmental Assessment for public comment. The project is slated to be completed sometime in 2025.

“As vaccination rates go up and COVID-19 abates, it’s time to refocus our efforts on the critical infrastructure projects we need to deliver for New York’s future and economic recovery from the pandemic,” Gov. Cuomo said. “Connecting Metro-North to Penn Station has long been an important next step not just for New York City’s economic growth and development, but for protecting our environment and providing more equitable access to transit in our communities. This restarted selection process for a firm to build four new stations will expand access to transit in the Bronx and help to create a new corridor between Manhattan and the Mid-Hudson region.”

While the bid for the project is expected to be held soon, no firm date has been established as yet, according to an MTA spokesman. The MTA is preparing for a 45-day comment period that would accompany a formal environmental review of the project. As part of that

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Westchester IDA to Hear Regeneron’s New Plan To Build \$480M Pharma Project in Greenburgh

By JOHN JORDAN

WHITE PLAINS—The Westchester County Industrial Development Agency will soon be considering one of the largest private investment projects in memory, totaling nearly half a billion dollars.

Representatives of Regeneron Pharmaceuticals, Inc., made a presentation to the Westchester IDA on April 22 on an amended expansion

plan for property in the Town of Greenburgh, NY.

Janet Giris, a partner with the law firm DelBello, Donnellan & Weingarten, Wise & Wiederkeher, LLP, who represented Regeneron at the IDA session, noted that the new project is an expansion of its Parcel D project originally proposed in 2015 as a building not to exceed 192,000 square feet that secured Westchester

IDA approval, but never moved forward.

“Recently, Regeneron has been reevaluating its long-term space needs and determined that the originally approved Building D no longer meets its needs,” she said.

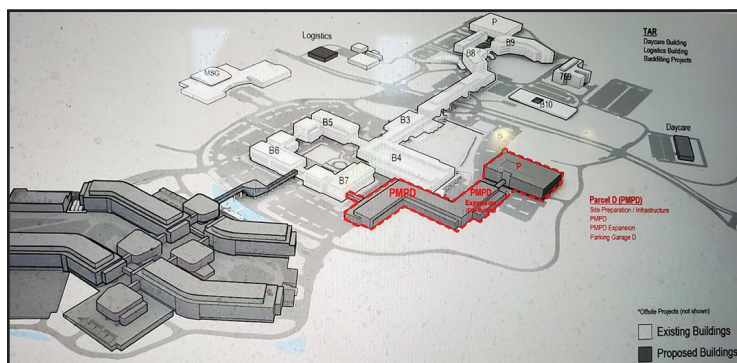
Ms. Giris said that Regeneron plans to submit an

amended incentives application with the IDA for its new project that would involve the construction of a new two-story, 207,000-sf building, along with a parking structure and other infrastructure that will increase the development cost of the project (including equipment) by approximately

\$331 million to \$480 million.

In its presentation, Regeneron estimated that construction costs will total \$310 million, design costs \$21.7 million and FF&E (furniture, fixtures and equipment) \$148.9 million. The cost of the original project was estimated at \$150

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A map of the proposed Parcel D building property in Greenburgh supplied to the Westchester County Industrial Development Agency by Regeneron Pharmaceuticals, Inc.

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NYC Construction Falls to Near Historic Lows

By JOHN JORDAN

NEW YORK—A newly released analysis of city building construction data by the Real Estate Board of New York found that total square footage and new multiple dwelling filings for proposed construction in New York City are both at lows not seen in a decade.

The proposed 5.4 million sf in construction in the first quarter of 2021 was the lowest such figure since the fourth quarter of 2010, while first quarter filings for new multiple dwelling buildings reached their lowest point since the third quarter of 2011, the report stated on May 10.

Other alarming data from the report includes that the first quarter of this year saw only two major proposed construction projects (greater than 300,000 sf) the lowest figure since the first quarter of 2012. One newly proposed project is a 70-story mixed-use building with a proposed 98 residential dwelling units and 353,196 sf for commercial use at 520 Fifth Ave. The other is a 436,188-sf, mixed-use development proposed to include 431 residential units as well commercial and community space at 480 and 490 Kent Ave. in Brooklyn.

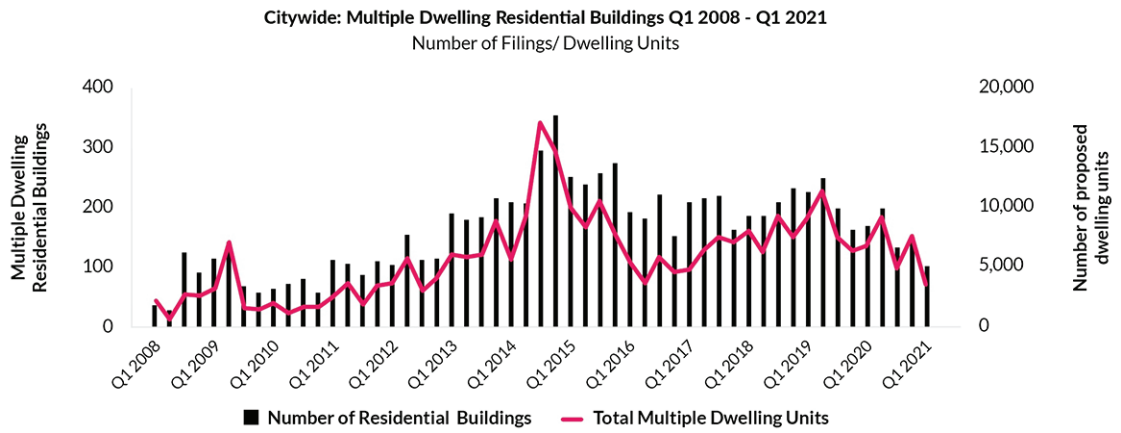
Together, the two new filings account for 888,322 sf or 16.54% of the quarter's total construction square feet, which represents a 9.24% decrease in construction square feet from major projects year-over-year.

The report shows that the total number of new building filings for the first quarter of this year was 407, marking a 25% decline from the fourth quarter of 2020. While REBNY noted that there is traditionally less activity in the first quarter (and first-quarter new building filings actually increased compared to the first quarter of 2020), the underperformance of proposed square footage and multiple dwelling construction highlights the need for local and federal action to meet New York's post-COVID economic and housing needs, REBNY officials stated.

Queens continued to experience the largest number of overall filings of any borough with 129. Though this represented a 23.67% drop in the volume of filings from previous quarter, it was a 38.71% increase year-over-year. Manhattan continued to account for the least number of filings with only 22. The figure, however, represents an increase in filings both from the fourth quarter of 2020 and year-over-year at 4.76% and 37.50% respectively.

The multifamily development sector in New York City is also struggling. The total number of projected multiple dwelling units on job filings in the first quarter of 2021 was 3,336, a 54.3% decrease in units from the fourth quarter of last year and a 49% drop year-over-year.

The volume of applications for new multiple dwelling buildings saw a similar decline. With the total number of filings for



SOURCE: REAL ESTATE BOARD OF NEW YORK

new multiple dwelling buildings at 98, the first quarter of 2021 registered a 31.94% drop from the previous quarter and a 40.24% drop year-over-year. The first quarter of 2021 was the lowest number of filings for new multiple dwelling buildings since the third quarter of 2011.

The Bronx saw the largest proposed number of multifamily housing units at 1,119, spread over 26 properties. Brooklyn, however, had the largest volume of job filings for new residential

buildings with 39, which will comprise a proposed 924 multiple dwelling units.

Following the latest report, REBNY called on Congress to pass President Biden's historic infrastructure plan, which would put approximately \$2 trillion into the nation's construction industry and has the overwhelming support of Americans.

"Congress must act swiftly to pass President Biden's infrastructure plan, which will play

a critical role in advancing a strong economic recovery for New York and create thousands of good jobs. We applaud Majority Leader Chuck Schumer for embracing this much-needed plan and leading the fight for its passage," said REBNY President James Whelan. "It is also more important than ever for city and state elected officials to step up and play their part in advancing policies and legislation that will kickstart the economic engine of the construction and

development industries and address the city's increasingly urgent housing needs."

Leaders at REBNY, along with the Building and Construction Trades Council, Building Trades Employers Association and the New York Building Congress, also continue to press public officials to support a package of reforms to address the industry's serious challenges and reinvigorate the economy. All four groups agree that implementing these measures will play a significant role in encouraging construction activity, creating good jobs, producing much-needed housing and supporting a strong economic recovery for New York City.

"It's clear that investment in large-scale infrastructure and public works projects is needed now more than ever to jumpstart the city's economic recovery. Fortunately, there is a thoughtful, timely, and robust

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NYS Grants \$94M for Wastewater, Drinking Water Infrastructure Work

ALBANY—The New York State Environmental Facilities Corporation Board of Directors approved on May 13 \$94 million in grants, interest-free loans, and low-cost loans to support vital drinking water and wastewater infrastructure projects across New York State.

The FY 2022 Enacted Budget adds a \$500-million appropriation to support clean water, raising the state’s total investment to \$4 billion and continuing to fulfill the state’s \$5-billion clean water commitment.

“Clean water is essential to not only the public health but also present and future prosperity,” Gov. Cuomo said. “The State of New York will continue to commit our efforts and resources to these water treatment projects for the long-term benefits of our families, communities and future generations.”

Environmental Facilities Corporation President and CEO Joseph Rabito said, “Helping our partners make substantial

state’s commitment to projects that improve water quality today and far into the future.” The Board’s approval in-

The FY 2022 Enacted Budget adds a \$500-million appropriation to support clean water, raising the state’s total investment to \$4 billion and continuing to fulfill the state’s \$5-billion clean water commitment.

investments to improve water infrastructure in communities statewide is core to the health and well-being of those we serve. The grants and low-cost financing for wastewater treatment and public water systems approved today will further the

cluded financing through the Clean and Drinking Water State Revolving Funds and grants that are part of the Water Infrastructure Improvement Act and Emerging Contaminants grant programs.

The projects approved for work in the Hudson Valley and New York’s Downstate region include:

Clean Water

Village of Suffern in Rockland County—\$6,750,000 in short-term, low-interest financing, and \$2,250,000 in Water Infrastructure Improvement Act (WIIA) grant funding for wastewater treatment plant

upgrades, and storm and flood resiliency measures including the construction of a flood wall.

Drinking Water

Village of New Paltz in Ulster County—\$3,000,000 in WIIA grant funding for the replacement of aged cast-iron water mains and the replacement of fire hydrants, valves and service connections to the project area.

Town of Wallkill in Orange County—\$911,351 in long-term, interest-free financing to provide redundancy and emergency preparedness for the Town of Wallkill, the City of Middletown and the Village of Goshen.

Village of South Blooming Grove in Orange County—\$660,000 in 2019 WIIA funding for the removal of iron and manganese for an existing well and a new treatment building that includes updated chlorination and iron and manganese filters.

Garden City Park Water District in Nassau County—\$3,900,000 in an Emerging Contaminants grant for the design and construction of a new treatment process at the existing water treatment facility to remove PFOA, PFOS and residual Advanced Oxidation

Process (AOP) byproducts.

Manhasset-Lakeville Water District in Nassau County—\$6,509,100 in 2019 Emerging Contaminants grant funding for the design and construction of a new treatment process at the existing water treatment facility, including the construction of a new AOP treatment system, a new granular activated carbon treatment system to remove PFOA, PFOS and residual AOP byproducts and a new ion exchange system to remove nitrate.

Roslyn Water District in Nassau County—\$4,485,000 in 2019 Emerging Contaminants grant funding for the installation of an AOP treatment system for the removal of PFOA and PFOS and AOP byproducts and for upgrades to the existing water treatment plant.

West Hempstead Water District in Nassau County—\$3,924,150 in Emerging Contaminants grant funding for the design and construction of a new treatment process at the existing water treatment plant, which will be designed to treat raw water from existing wells.

The financings are subject to the Public Authorities Control Board’s approval and were scheduled for consideration at PACB’s meeting on May 19.



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New York State Awards Nearly \$20M In Water Quality Infrastructure Grants

ALBANY—New York Gov. Andrew M. Cuomo announced on May 12 the award of \$19.95 million in grant funding made available through the New York State’s Consolidated Funding Application for infrastructure projects that improve water quality.

The Green Innovation Grant Program (GIGP) awarded \$17 million in grant funding to 20 projects in support of improving water quality and mitigating the effects of climate change through the implementation of green stormwater infrastructure, as well as energy and water efficiency projects. This year, 13 of the 20 GIGP projects worth \$12 million were awarded to projects that impact Environmental Justice Communities. The Engineering Planning Grant program awarded \$2.95 million to help 58 municipalities pay for the initial planning for water quality projects.

“Stable infrastructure is a requirement for clean water, yet it can be a struggle for communities to cover the cost of planning. These grants offer the means to pay for necessary early planning to kick start these critical projects,” Gov. Cuomo said. “With this funding we are supporting environmentally-friendly projects that will take center stage in cities, towns and villages across this great state.”

Environmental Facilities Corporation President and CEO Joseph Rabito said, “EFC is committed to making water quality projects affordable for all communities across New York State, and the EPG grants provide a critical funding piece for municipalities to prepare for much-needed water infrastructure work. We are very pleased that more than 70% of this year’s GIGP grant funding is going to benefit Environmental Justice Communities across the state.”

New York State Department of Environmental Conservation Commissioner and Chair of EFC’s Board Basil Seggos said, “Ensuring the resiliency and durability of our infrastructure is the most critical step to improve water quality across the state. The Green Innovation Grant Program and

Engineering Planning Grant Program will allow communities to tackle these costly projects without breaking the bank. This is especially crucial for low-income communities that have borne the brunt of environmental pollution and are most at risk from climate change.”

The EPG program that began in 2012 has funded engineering and planning costs for 463 projects, which has led to the nearly \$700 million in Clean Water State Revolving Fund loans to fund water quality construction projects. Applications for 129 EPG projects were received this year. A total of 58 EPG grants, worth \$2.95 million, were awarded to communities in nearly every county of the state. This year, to get more projects prepared for construction, EFC added an additional \$1 million to its planned \$2 million EPG funding pool. Each grant will fund up to \$100,000 of engineering and planning costs for clean water projects.

It is anticipated that the capital projects undertaken after the engineering reports are completed, which will include repairing sewer collection systems, installing disinfection equipment and connecting areas with failing onsite septic systems to public sewers, will lead to a reduction of pathogens, nitrogen and phosphorus entering water bodies, protecting over 3.5 million New York residents.

Since the inception of the GIGP in 2009, the program has disbursed more than \$129.7 million to fund 187 green infrastructure projects. This year, an unprecedented number of applications for more than 130 potential GIGP projects were received. A total of 20 GIGP grants, worth \$17 million, were awarded to 20 projects, with more than 70% of the funding awarded to Environmental Justice communities.

Applications for the 2021 GIGP and EPG funding round are now available and must be submitted through the Consolidated Funding Application website (<https://apps.cio.ny.gov/>)
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\$100 Million E-Commerce Project Secures Mt. Pleasant IDA Incentives

HAWTHORNE, NY—The Mount Pleasant Industrial Development Agency has approved approximately \$3.8 million in sales tax exemptions for the construction of a 153,062-sf e-commerce distribution center located at 211 Saw Mill River Road (Route 9A) here. The estimated cost to develop the project is nearly \$100 million, it was reported.

The project, which received approval at the IDA's April 21 meeting, represents a total private investment of more than \$99 million. According to the developer, USRE Hawthorne LLC, the project is expected to create 100 full-time and part-time jobs upon completion. The project will also generate additional tax revenue on a property that has been historically underutilized. The developer is not seeking a mortgage recording tax exemption or a PILOT for the project.



A rendering of the e-commerce distribution center at 211 Saw Mill River Road in Hawthorne.

The one-story distribution center, which is located on 10.475 acres, will consist of 136,214 sf of warehouse space, 16,848 sf of office space, 181 passenger car parking spaces, 597 van parking spaces, 12 truck loading spaces and 62 van loading spaces at grade.

The project will be built on the former site of Green Valley Nursery. The town's Planning Board granted site plan approval for the project last July, according to a report in *The Examiner*.

In addition to significant onsite improvements, the

developer is in the permitting stages with the New York State Department of Transportation to construct a traffic signal on Route 9A at Belmont Road and a left turning lane from the south, which serves both the proposed project and the existing NYSCO Products

building. The proposed roadway improvements will create needed traffic flow and traffic calming measures in the corridor for residents and businesses of the Town of Mount Pleasant.

"The IDA is pleased to provide incentives for this important project which represents a significant private investment in our town. In addition to creating much-needed new employment, it will also generate tax revenue for the Town and School District without adding any new students and will contribute toward road improvements to Route 9A. This is win-win for the town and school district," said Town Supervisor Carl Fulgenzi who also serves as IDA Chairman.

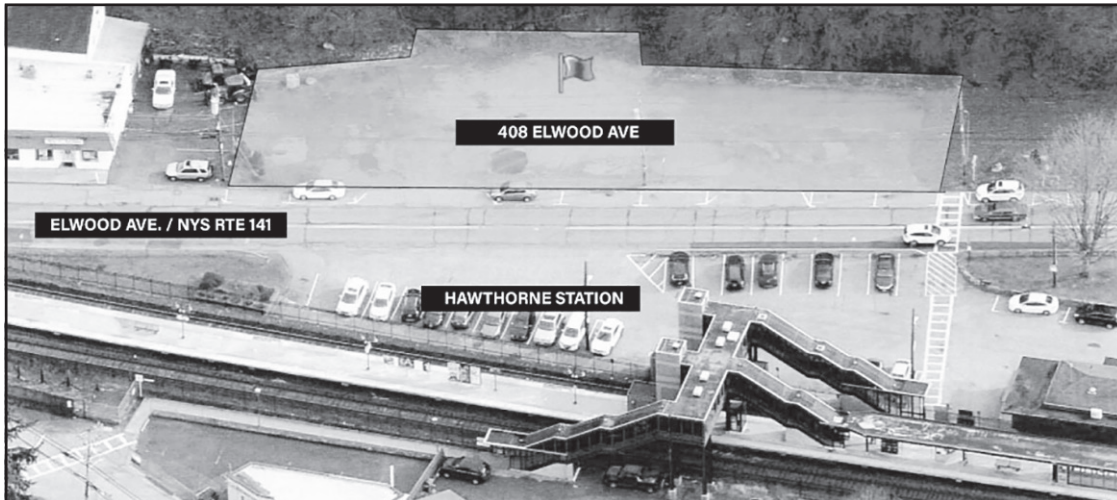
Mr. Fulgenzi noted that the facility will be paying full property taxes estimated to be more than \$1.5 million annually when completed.

Mount Pleasant Looking for Interested Developers For Project Adjacent to Hawthorne Train Station

MOUNT PLEASANT, NY—The Town of Mount Pleasant Industrial Development Agency has issued a Request for Expressions of Interest for a nearly half-acre longtime vacant site approximately 200 feet from the Hawthorne Metro North station.

The IDA had set a deadline for May 17, and now plans to review the submissions during May and June with presentations to be made by the developers to the agency during that time. The IDA reports it plans to announce its choice of a concept/developer by June 30.

The IDA stated in the RFEI that it is looking for a mixed-use (residential and commercial) project at the site located at 408 Elwood Ave. (Route 141), a vacant site created by combining three adjacent IDA-owned lots. The property is in a Neighborhood Retail Zone (CN-R Zone) which can include street-front retail and market-rate and/or workforce housing options.



A map of the proposed development site near the Hawthorne Metro North train station. The Mount Pleasant Industrial Development Agency expects to name a developer for the project by the end of June.

The 0.4-acre lot was formerly the site of the Bel Paese restaurant, which closed more than 10 years ago and was subsequently demolished. After being abandoned for years, the property was acquired by the IDA from the Town of Mount Pleasant.

The Elwood Avenue business corridor includes a mix

of multi-family, commercial, neighborhood retail and restaurant uses.

The IDA is also in the process of taking by eminent domain a smaller, neighboring site at 388 Elwood Ave. where it proposes to develop a municipal parking lot for shoppers and visitors. The train station is being viewed

as a focal point for the new development project.

"We envision anything built on this site serving as a model for the new improved downtown Hawthorne," said Mount Pleasant IDA Chairman Carl Fulgenzi. "It should be a development that will deliver a contagious excitement about the possibilities for outdated

properties in the vicinity. Our ultimate goal is to have a new development that will help transform downtown Hawthorne into a vibrant, walkable community with a variety of housing and employment options for younger adults and empty nesters."

Once a developer is selected, the IDA plans to enter into exclusive negotiations for the disposition and development of the parcel. The RFEI stated that the minimum purchase price will be based on the property's appraised value. The sale agreement will be contingent on the selected development firm securing zoning, site plan and SEQRA approvals, as well as project financing.

The developer will also be responsible for all costs associated with the sale agreement and development of the property, although the RFEI does state that the IDA intends to provide financial assistance to the development project.

\$20M In Water Quality Infrastructure Grants

Continued from page 4
apps/cfa/) by July 30 at 4 p.m.

The 2020 GIGP Environmental Justice Community awarded projects in the Hudson Valley region included:

Westchester County was awarded \$1 million to replace two outdated inefficient fuel engines with energy efficient combined heat and power engines and a heat recovery system at the Yonkers Joint Water Resource Recovery Facility. This project will address air emission concerns, provide on-site energy production, and reduce the amount of fossil fu-

els consumed at the plant. This is an Environmental Justice Community project.

The Town of Wallkill in Orange County was awarded \$950,000 to upgrade existing water meters with advanced metering infrastructure technology. The upgraded meters will reduce water loss in Consolidated Water District Number One, which has become a significant problem over the last decade.

The City of Newburgh in Orange County was awarded \$800,000 to help revitalize Broadway. The installation of

bioretention and stormwater street trees will improve infrastructure along a business corridor while helping to reduce combined sewer overflows to the Hudson River.

The City of Poughkeepsie in Dutchess County was awarded \$355,000 for the Malcolm X Pocket Park in the north side of the city. The installation of rain gardens, bioretention and trees will provide green space as well as help to improve the water quality of the Fall Kill Creek and the Hudson River. This is an Environmental Justice Community project.

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MTA Resumes RFPs for Bids on \$1.6B Metro North Penn Station Access Project

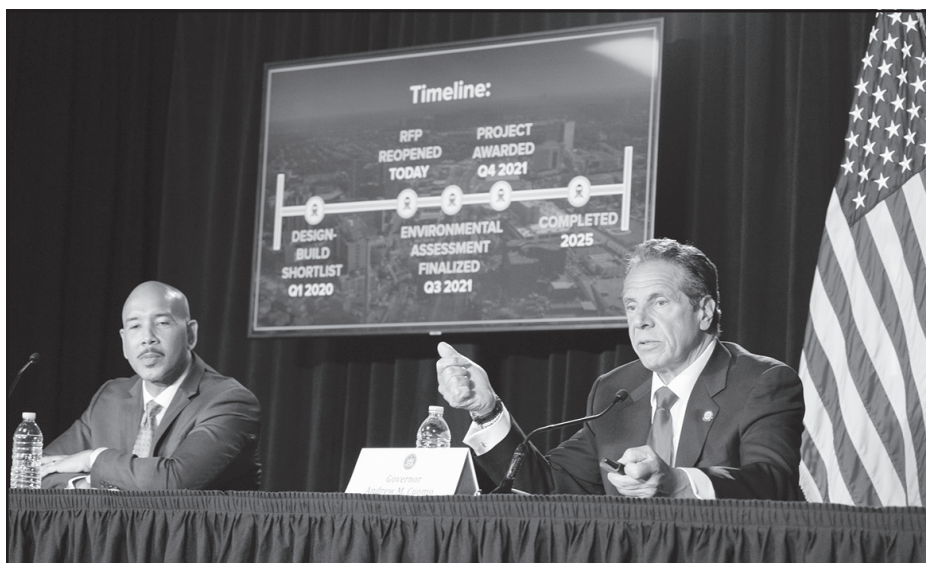
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process, the public will be able to review project documents online and at physical in-person sites in the Bronx, including the Morris Park Community Association and the Bronx Jewish Community Council, the MTA stated.

“The most cost-effective capital projects are those that squeeze more mass transit service out of existing infrastructure, rather than always building something new from scratch,” said Janno Lieber, president of MTA Construction & Development. “By rebuilding this under-utilized Amtrak rail line to accommodate new Metro-North service, this project will give East Bronx residents better access to jobs, education and a full range of opportunities.”

“This is an exciting project that will be as transformative for Metro-North as it is for the Bronx,” added Catherine Rinaldi, president of MTA Metro-North Railroad. “We look forward to doing everything we can to support this project to bring Metro-North service to an entirely new part of the Bronx and give customers on our New Haven Line—historically our busiest—a choice of new destinations as they plan their travel.”

Trains stopping at the four new Bronx stations will serve an extension of the New Haven Line, offering rail commutation options in the east Bronx to midtown Manhattan as well as points



From left, Bronx Borough President Ruben Diaz, Jr. and Gov. Andrew Cuomo announce the resumption of the solicitation process for the Metro North Penn Station Access project.

in Westchester County and Connecticut. The MTA noted that the commute from Co-op City to Penn Station, currently 75 minutes, will be cut to 25 minutes upon project completion. The commute from Hunts Point to Penn Station, currently 45 minutes, will be cut to 16 minutes.

Metro-North trains will use a rail line owned by Amtrak that has long been used by Amtrak's Northeast Corridor trains, which travel through the area without stopping. This project will upgrade the line and update its infrastructure systems at the same time that it brings local

MTA service to the line for the first time.

The last Metro-North station to be newly built where none had been before was also in the Bronx, at E. 153rd Street, which opened on May 23, 2009.

The restart of the Metro North Penn Station access project was applauded by government and planning leaders.

Bronx Borough President Ruben Diaz, Jr. said, “Ensuring equitable access to mass transit is important to reach underserved communities and reduce our reliance on less efficient means of transportation. Gov. Cuomo has cham-

pioned this infrastructure improvement for the entire region and I thank him for his dedication to getting it done despite the COVID-19 pandemic. This project is a critical step forward, expanding opportunities to take mass transit in the Bronx and providing an economic conduit between the Mid-Hudson region and New York City.”

Westchester County Executive George Latimer noted the project “is a commonsense step that will bring huge economic benefits to our county. Gov. Cuomo has championed this project and I am heartened to see it move forward, even in the midst of the terrible COVID-19 pandemic. This won't just help commuters travel from Westchester to Manhattan; it will also help residents, businesses and families move from the Bronx to our county and provide new opportunities for commerce and economic development in the region.”

Regional Plan Association President and CEO Tom Wright said, “Penn Access is a terrific project, repurposing existing rail infrastructure to provide new capacity, connectivity and resiliency, and providing critical transit accessibility to historically under-served communities in the Bronx. RPA looks forward to working with communities and the MTA to make sure we take full advantage of this transformational investment.”

NYC Construction Falls to Near Historic Lows

Continued from page 3

plan introduced by the Biden administration that invests in New York and in our working people that Congress must pass immediately,” said Gary LaBarbera, president of the Building and Construction Trades Council of Greater New York. “From day one of the pandemic, our members went above and beyond to ensure that essential construction work never stopped, and these hardworking tradesmen and tradeswomen are now poised to not only rebuild our economy but build the infrastructure that will lead New York City into the future.”

“The best and fastest way for New York City to improve its economy is to build its way back to prosperity,” said Building Trades Employers Association President Lou Coletti. “Rebuilding public infrastructure, while creating incentives to rebuild the private real estate market, will increase tax revenue and improve New York's social infrastructure.”

“The only way out of this crisis is to build, which is why it is so important we pass the American Jobs Plan as soon as possible,” said Carlo A. Scisura, president and CEO of the New York Building Congress.

“Building Congress members are ready to design and build the projects of the future, both here in New York City and across the nation. Building new schools, subway stations, affordable housing, offices and other infrastructure is key to our recovery and our long-term prosperity.”

The four organizations said they will continue to work on areas of common interest and advocate for smart policies that help the industry and the city's recovery. These include:

Addressing Critical Needs for Jobs and Housing: With this latest report showing construction activity hitting its lowest points since the wake of the recession, we need to focus on a growing pipeline—not a stagnant one—that will create more housing opportunities while simultaneously creating good jobs. Since the end of the 2008 recession, New York City has added more than 858,000 jobs, but only 125,000 newly constructed housing units—a rate of just 0.15 new homes per new job.

The organizations noted that the current economic crisis required the public and private sectors collaborate and rely on programs that encourage the production of below market-rate housing.

According to New York Building Congress' “Construction Outlook Update: Workforce Snapshot 2021,” 82.7% percent of the city's construction industry workers were employed in the private sector. The private sector's involvement in housing production, utilizing incentive programs and property tax benefits to address the immense construction costs, can reignite the construction pipeline, thus creating good jobs and affordable housing in steps critical to the city's overall recovery.

Opposing the Proposed After-Hours Variances (AHV) Changes: Not only is it essential the real estate and construction industries find ways to keep the pipeline from drying up completely, they also need to protect the current jobs within the construction industry. New York City Council's proposed legislation (Intro 1737) to amend aspects of the AHV process—with the goal to improve safety and quality of life—would delay projects, lengthen their time to completion and add cost that would jeopardize jobs, the organizations contend. Instead, New York needs policies that spur economic development and job growth, they said.

Regeneron's New Plan To Build \$480M Pharma Project

Continued from page 1

million. The firm estimated the tax savings it will secure will net approximately \$7.7 million.

The new building will primarily house Regeneron's pre-clinical manufacturing and process development operations. She reported that Regeneron recently applied to the Town of Greenburgh for amended land use approval on the Parcel D building.

Alexandra Bowie, a company spokesperson, told CONSTRUCTION NEWS that the original building plan called for 128,000 sf of mixed lab/office space.

In addition to the expanded size of the building and six years of inflation, the reason for the significant additional cost of the amended development is due to its usage change to all preclinical manufacturing and process development, which requires specialized space/equipment for producing drug product.

Ms. Bowie said of the company's expansion, “We're proud that the Regeneron team continues to grow, as our research and development efforts continue to deliver new medicines for patients in need. We appreciate the support of our local communities in accommodating this growth, and ultimately helping to further this important mission.”

According to a project timeline submitted to the IDA, Regeneron hopes to secure approvals from the Town of Greenburgh and necessary permits that would allow construction to begin sometime in the third or fourth quarter of this year with

project completion slated for mid-2024.

“This is an exciting project that fits in line with the mission of the IDA and the mission of economic development here in the county,” said Westchester County IDA Chairman Joan McDonald.

The Westchester IDA was also given a cost benefit analysis presentation of the proposed Gateway II mixed-use project in Downtown White Plains at the April 22 session. The project being proposed by the Alaska Permanent Fund and development partner Greystar Real Estate Partners LLC calls for the construction of 500 high-rise apartment units and 19,000 square feet of ground floor retail at the Gateway II site at 85 N. Lexington Ave. in Downtown White Plains, the current location of a long vacant 3.5-acre parking lot.

Michael Grella of Grella Partnership Strategies gave the cost benefit analysis presentation on the project that he said is valued at approximately \$275 million.

He estimated the hoped-for incentives would involve approximately \$640,000 in sales tax exemptions, \$1.5 million in mortgage recording tax exemptions and approximately \$23 million in savings to be negotiated with the City of White Plains in a Payment in Lieu of Taxes agreement.

The IDA Board took no action on either project at its session. Both the Regeneron and Gateway II projects are expected to be on the IDA Board's agenda for its next meeting on May 27 or at subsequent meetings this summer.

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WASHINGTON UPDATE

Sens. Schumer, Gillibrand Want \$15B to Revitalize Upstate NY

WASHINGTON—U.S. Senate Majority Leader Charles E. Schumer and U.S. Senator Kirsten Gillibrand introduced earlier this month the “Reconnecting Communities Act,” an initiative that would provide federal investment in construction, planning, and community engagement to expand economic opportunity in New York and across the country by reconnecting and revitalizing areas that were harmed by the disruptive construction of highways through neighborhoods.

The legislation, if approved, would provide \$15 billion in grant funding over five years.

The senators explained that while highways were instrumental to the connectivity of the country, they also upended many communities, especially low-income areas and communities of color, displacing residents, hurting local businesses and impacting quality of life across neighborhoods. Sens. Schumer and Gillibrand said that it is long past due for strong federal investment into these communities negatively impacted by highways.

“In Upstate New York and across the country, highways like Syracuse’s I-81, Buffalo’s I-33, Rochester’s Inner Loop, and Albany’s I-787 have too often been built through low-income neighborhoods and communities of color, displacing residents, dividing cities, increasing pollution, and limiting economic opportunities in impacted neighborhoods,” said Sen. Schumer. “That’s why I am proud to announce the Reconnecting Communities Act—a key part of my Economic Justice Act—to help right these wrongs by identifying and removing these hulking physical barriers to mobility and opportunity. Infrastructure should build up communities, not divide them. This legislation will ensure local communities have the federal resources needed to revitalize and reconnect communities that have been neglected for far too long.”

“Historically, the building of highways in upstate New York and across the country has disadvantaged low-income neighborhoods and communities of color by displacing residents, contributing to poor air quality, and dividing the heart of communities. This is more than a transportation issue, it is a social justice and economic issue that we must address as our nation rebuilds,” said Sen. Gillibrand. “I’m proud to introduce the Reconnecting Communities Act with Majority Leader Schumer and I will work alongside him to get it passed to deliver resources to help communities from Syracuse, to Buffalo, to Rochester, to Albany and beyond, strengthen their local infrastructure.”

The Reconnecting Communities Act would establish a grant program at the Department of Transportation to help communities identify and remove or retrofit highway infrastructure that creates obstacles to mobility and opportunity. This proposal was part of a larger bill, the Economic Justice Act, a historic proposal that Sen. Schumer introduced last year, along with Sen. Gillibrand, to address systematic racism and historic underinvestment in communities of color in New York and across the U.S. through immediate and long-term investments.

Specifically, the Reconnecting Communities Act would provide funding for three categories of grants:

Community Engagement, Education, and Capacity Building Grants: These grants would fund efforts to educate community members, build community capacity, identify local needs, form community boards, and engage community members in transportation planning. Funds would expand the ability of community members to participate in transportation and economic development decision-making to ensure investments address community needs. Local and Tribal governments, MPOs, and nonprofit organizations would be eligible recipients of community engagement, education and capacity building grants.

Planning and Feasibility Grants: These grants would fund state and local planning activities to design projects and study traffic, access and equity impacts, assess the project feasibility, conduct public engagement and environmental review and establish a community land trust to develop real estate created by the project. State, local, Tribal governments, MPOs and non-profit organizations would be eligible recipients of planning and feasibility grants.

Capital Construction Grants: These grants would fund construction activities to remove or retrofit an infrastructural barrier in a way that enhances community connectivity, including by capping or replacing it with an at-grade roadway; improving connectivity across a barrier; replacing the facility with a new use like a public park or trail; and other projects that would address the mobility needs of the community. Grants would go to the owner of the infrastructure asset, with whom state, local, Tribal government, MPOs, and nonprofit organizations could partner to be eligible recipients of capital construction grants.

More WASHINGTON UPDATE on page 13



Screening Unit recently purchased by the County of Westchester

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Attorney's Column

Lack of Contractual Notice Dooms Yet Another Valid Claim

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

We have written on more than one occasion about how a construction contract is meant to define the relationship between the parties, and that absent a provision, which violates public policy (pay-if-paid, pre-emptive lien waivers, indemnification of a party for its own negligence, etc.), the contract will be enforced as written. The provisions of these contracts, which seems to be invoked most frequently, are the provisions for delivering notice of claims to the owner for extra, additional, or even delay compensation. In the recent case of *APS Contractors, Inc. v New York City Housing Author-*



ity, an appellate court again showed us the importance of strict compliance with these contractual notice of claim provisions.

Background

In May 2014, APS Contractors entered into a contract with the New York City Housing Authority where APS was to be NYCHA's general contractor for a façade and roofing project

at the Pink Houses in Brooklyn. The contract contained a provision, at Section 32(a), requiring the contractor to file a notice of intention to file a claim within 20 days after such claim arose, or else such claim was waived.

On April 28, 2017, the Certificate of Final

Acceptance was issued, and on May 9, 2017, APS submitted a document that it denominated a "Verified and Itemized Statement and Notice of Claim," which asserted three claims, as follows: \$1,416,543 for additional work for lead abatement and painting at the railings; \$512,727.50 for additional work for temporary roofing and \$114,020 for additional work

What appeared to be more than \$2 million in valid claims for extra and additional work ended up dismissed for a simple failure to follow contractual formalities.

in removing certain concrete patching. No payment was made on this claim, and APS commenced its lawsuit to recover on these claims on May 17, 2018.

NYCHA ultimately moved to dismiss APS's lawsuit, citing to Section 32(a) of the contract. NYCHA argued that APS had knowledge of the lead abatement claim on Apr. 20, 2016, the date on which NYCHA

advised that it would be calculating APS's compensation in a manner different than that proffered by APS. Similarly, NYCHA argued that APS had knowledge of the temporary roofing claim on Jan. 16, 2016, when NYCHA first rejected its request for additional compensation, claiming that temporary roofing was included in the contract. Likewise, as to the concrete repair claim, NYCHA argued that APS had knowledge as early as May 11, 2016, the date on which NYCHA indicated that would not provide APS with additional compensation for this work. APS argued that voluminous e-mail correspondence adequately advised NYCHA of the fact that APS was making claim for these additional monies and that this correspondence otherwise satisfied the requirements of the contract.

Decision

The motion court denied NYCHA's motion as it related to the lead abatement claim, finding that the significant amount of e-mail correspondence apprized NYCHA of APS's intent to file a claim within the contractual deadline, and provided the requisite information. However, the court granted NYCHA's motion as it related to the other two claims, finding that there was no similar chain of correspondence that would have apprized NYCHA that APS would be making a claim for those sums.

On appeal, the appellate court reversed the motion court and dismissed the complaint, finding that the motion court had erred in finding the e-mail correspondence satisfied the notice of claim requirement. In doing so, the appellate court held that the contract was specific that the notice of claim had to be denominated as such, had to contain certain specified information, and had to be clear that APS intended to pursue the claim for compensation. The appellate court found that the e-mail correspondence met none of these requirements.

Comment

APS is yet another reminder that in most circumstances, contractual conditions precedent will be strictly enforced. Here, what appeared to be more than \$2 million in valid claims for extra and additional work ended up dismissed for a simple failure to follow contractual formalities. Please turn to page 24



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Peekskill Scores \$10M in State Grants For 12 Downtown Redevelopment Projects

ALBANY—New York Gov. Andrew M. Cuomo announced on May 11 the list of projects in Peekskill that the state will fund as part of its \$10-million Downtown Revitalization Initiative award granted to the Northern Westchester city two years ago.

The 12 projects in Peekskill, NY that secured state funding will facilitate mixed-used transit-oriented development, improve pedestrian connections and provide support for small downtown businesses. The governor also announced DRI funded projects for Baldwin, a hamlet in the Town of Hempstead on Long Island.

“We are focused on building New York State back better than ever before and these strategic investments in Peekskill and Baldwin will play an important role in our economic resurgence,” Gov. Cuomo said. “The Downtown Revitalization Initiative continues to work with



Peekskill is a winner of a Downtown Revitalization Initiative grant to enhance its identity as a hub for business and jobs.

and empower local communities to reimagine their cities to create a brighter future for present and future generations. By investing in the infrastructure,

we can help attract even more new businesses, residents and visitors to these areas.”

Peekskill was named a DRI Round 4 winner in August 2019. Through the DRI, the city looks

to enhance its identity as a regional arts destination, a hub for businesses and jobs and a center for tourism. The DRI also aims to improve connectivity between the scenic waterfront,

transit centers and the downtown mixed-use community.

Key DRI projects include infrastructure, lighting, and pedestrian safety improvements between downtown and the waterfront integrated with efforts to support artists, creative businesses, and bolster Peekskill’s identity as an arts center. Investing in strategic DRI projects will promote additional redevelopment and establish Peekskill as the ultimate small city in which to live, work, and raise a family, state officials noted.

The funding for Peekskill announced by New York State in May totaled \$9.7 million.

The specific projects to be funded through the Peekskill DRI include:

Redevelop 41 N Division St. as a Mixed-Use Building Housing the Peekskill Arts Center, Multi-Media Production Spaces, and Apartments—\$1,638,752: Redevelopment of 41 N Division St. as the primary home of the Peekskill Arts Center on the ground floor, multi-media production spaces in the basement level, and new micro-apartments on the two upper floors.

Transform the Kiley Youth Center as a New Location of the Boys & Girls Club of Northern Westchester—\$1,500,000: Renovate the Kiley Youth Center as a new location for the Boys & Girls Club of Northern Westchester. Upgrades include interior/exterior improvements, utilities, and structural repairs providing offices, an art room, computer labs and cafeteria.

Revitalize the Paramount Theater—\$1,000,000: Renovations to the building facade and marquee, improved interior spaces for audience and artists, expanded hospitality programs, and upgraded equipment and utilities. Interior upgrades include lighting and sound equipment, stage rigging, accessible seating, flexible seating and box office renovations.

Downtown Revitalization Fund—\$700,000: Creation of a fund to help small businesses in the DRI area make capital improvements. Eligible activities include facade improvements, small business creation and expansion, solar installations and adaptation to social distancing guidelines.

Transform Downtown Peekskill with Public Art—\$500,000: Series of public art installations throughout Downtown Peekskill through a locally administered selection process involving long-time arts organizations in the city. The joint venture includes three proposals, Enlighten Peekskill, Making Connections and the Five Arches Mural.

Implement Public Wi-Fi in Lepore and Pugsley Parks and Low-Cost Internet Service for

Please turn to page 21

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WASHINGTON UPDATE

U.S. DOT Offers \$1B in Funding To Modernize U.S. Infrastructure

WASHINGTON—The U.S. Department of Transportation published a Notice of Funding Opportunity on April 13 to apply for \$1 billion in Fiscal Year 2021 discretionary grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grants. RAISE, formerly known as BUILD and TIGER, has awarded more than \$8.935 billion in grants to projects in all 50 states, the District of Columbia and Puerto Rico since 2009.

Projects for RAISE funding will be evaluated based on merit criteria that include safety, environmental sustainability, quality of life, economic competitiveness, state of good repair, innovation, and partnership. Within these criteria, the department will prioritize projects that can demonstrate improvements to racial equity, reduce impacts of climate change and create good-paying jobs.

For this round of RAISE grants, the maximum grant award is \$25 million, and no more than \$100 million can be awarded to a single state, as specified in the appropriations act. Up to \$30 million will be awarded to planning grants, including at least \$10 million to “Areas of Persistent Poverty.”

To ensure that the benefits of infrastructure investments benefit communities large and small the department will award an equitable amount, not to exceed half of funding, to projects located in urban and rural areas respectively.

The program is highly competitive with 680 projects funded out of more than 9,700 applications. It is one of the few DOT discretionary programs for which regional and local governments can directly compete for multimodal transportation funding.

Feds to Wrap Up Gateway Tunnel Environmental Review by May 28

WASHINGTON—Officials with the Gateway Development Commission, as well as chief state officials in New York and New Jersey heralded the announcement by U.S. Secretary of Transportation Pete Buttigieg that after years of delay it will complete the environmental review of the Hudson Tunnel Project by May 28.

The Gateway Development Commission in a prepared statement, said, “The US DOT’s commitment to finish the Hudson Tunnel Project environmental review by May 28th is the latest demonstration of the Biden Administration’s clear resolve to expedite the project and start construction as soon as possible. For more than

three years, the most urgent infrastructure project in America languished as the previous administration ‘stopped the clock’ on environmental review, freezing the dashboard in March 2018. Two weeks ago, Secretary Buttigieg testified that the review would be done by the second quarter of this year. And today, USDOT’s public commitment to a completion date restarts the clock. Finally, we have a Federal partner who is backing up words with actions.”

The commission noted that with a Record of Decision, early work including property acquisition can advance, with major construction to follow.

More WASHINGTON UPDATE on page 21

OBITUARY

Jerry ‘Jay’ Varricchio Labor Executive

Former IUOE Local 137 executive Jerry “Jay” Varricchio passed away on April 20, 2021 at the age of 73, surrounded by his wife, Joan and his five children at his home in Cold Spring, NY.

He was born on March 17, 1948 to the late Louis and Gloria (Marchi) Varricchio in Peekskill, NY. He married Joan (Mangan) on Oct. 22, 1972 and together they created a happy and loving home in Cold Spring. In 2010, he retired from the IUOE Local 137 in Briarcliff Manor as the Director of the Apprenticeship Program.

Mr. Varricchio’s greatest joy was his family. He is survived by his devoted wife of 49 years Joan, and his five children Lisa (Troy) McKinney of Waterloo, IA, Jed (Stephanie) Varricchio of Beacon, NY, Garrett (Audrey) Varricchio of Cold Spring, Bret Varricchio of New York, NY, and Megan (Paul) Cotter of Cold Spring. He will also be remembered by his 15 grandchildren; Dalton and Riley Mumma, Michael McKinney, Morgan, Connor, Nolan and Will Varricchio, Juliet and Jude Varricchio, Wyatt and Graham Weppler, Nora-Jean, Diarmuid, Cormac and Clodagh Cotter. Lastly, he leaves behind a sister Jill Varricchio (Jeffrey Klein) and a brother Louis Varricchio, with 14 nieces and nephews.

His large family brought him his greatest fulfillment and happiness. From Sunday dinners to barbecues at the pool to birthdays and holidays—he believed these moments together were the best that life had to offer. If he wasn’t preparing a gourmet dinner party, you could find him coaching his young sons, painting, reading, playing golf or planning his next vacation. He was also an avid fan of baseball (New York Mets), football (New York Jets), golf and his all-time favorite movie genre Western Classics.

Mr. Varricchio lived a full and wonderful life, was deeply loved and very blessed. He was a happy man and leaves a lasting legacy.

A Mass of Christian Burial was held on Friday April 23, 2021 at 11:00 am at Our Lady of Loretto Roman Catholic Church, 24 Fair Street, Cold Spring, NY followed by burial at Cold Spring Cemetery.

In lieu of flowers, donations can be made in honor of his grandson, Dalton James Mumma to, REM Iowa/Autism, 1220 Industrial Ave, Hiawatha, IA 52233



Webinar for Contractors

Prudent Documents Practices To be Discussed on June 10

NEW YORK—Construction attorney Jack S. Kannry, Esq., P.E., a partner in the law firm of Warshaw Burstein, LLP, announced the firm will present a webinar on June 10, 2021 on the topic of “Prudent Documents Practices for Contractors in the Pandemic Era and Beyond.”

The agenda, which will extend from 10:00 am to 1:00 pm, will focus on four major topics: strict contractual notices on public and private construction contracts; defensive recordkeeping during pre-bid and construction periods; maintenance of project documents for compliance with federal and state litigation hold requirements and pandemic logistical aspects. Mr. Kannry, who also serves as chair of the law firm’s Construction Law Group, is a longtime associate member of the Construction Industry Council.

There is no cost for CIC members. For more information, including a detailed agenda of the webinar and RSVP form, email Mr. Kannry at jkannry@wbny.com.

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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



Financial Management

Paycheck Protection Program Loan Factors Contractors and Partners Should Know

By PHILLIP ROSS, CPA, CGMA, PARTNER

Many contractors received Paycheck Protection Program loans during 2020 and it will be included in their financial statements for last year. Whether your financial statements are completed or in process, it is an opportune time to review how banks and sureties will evaluate the PPP loans that may be included as liabilities on contractors' balance sheets at Dec. 31, 2020. How will banks and sureties view PPP loans in light of an entity's equity value and loan covenants?

Unless they were working on projects deemed essential, many contractors experienced a decrease in 2020 revenue because of the COVID-19 pandemic. For many of these companies, securing PPP loans was crucial to their ability to maintain payroll and cover critical expenses. To the benefit of their companies, many contractors will be able to have some or all of these PPP loans forgiven—to the extent that they were able to maintain employment levels for a specified period and used loan proceeds for qualified expenses as specified under the law during the covered period. Thanks to recently passed legislation, any potential loan forgiveness will not be taxable and the related expenses paid with loan proceeds will be deductible. To the extent forgiven, the loan is essentially tax-free money from the government.

However, because of the logistics involved in applying for forgiveness and the approval process needed by the banks and the Small Business Administration, many loans extended during 2020 will not be forgiven until 2021. For the most part, generally accepted accounting principles (GAAP) require that the loans remain on the company's balance sheet until actual forgiveness is deemed to be complete. Many companies will be faced with a situation where their balance sheet as of Dec. 31, 2020, will reflect a liability that will be fully or partially forgiven in 2021.

How will this liability be evaluated by the banks in determining covenant compliance? Many companies may already have issues related to complying with covenants for 2020 due to the adverse impact



of COVID-19. How should sureties evaluate this liability when determining bonding capacity for their contractor clients? Will banks and sureties be in the position of having to evaluate the likelihood of the loan being forgiven to

determine covenant compliance and bonding capacity? Or will they simply treat the loan as a liability not to be discounted in any way until it is forgiven? Will the banks and sureties' experience with any particular contractor impact their decision-making process?

As you can see, there are many factors to consider and the answers may not be so straight-forward. A good relationship among the contractor, CPA, bank, broker, and surety is critical to ensure that the parties involved can make informed decisions for the benefit of all—particularly for the contractor who is

struggling during these trying times. As such, timely communication is key. If you are

Because of the logistics involved in applying for forgiveness and the approval process needed by the banks and the Small Business Administration, many loans extended during 2020 will not be forgiven until 2021.

faced with the aforementioned situation regarding your PPP loan, we recommend meeting with your bank and surety to

understand how they plan on evaluating this liability for the purposes of determining covenant compliance and bonding capacity. This could have an impact on the jobs you bid, available cash flow and borrowing capacity.

Please contact your CPA with any questions you may have.

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.

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Recipient of the Construction Advancement Institute of Westchester & The Mid-Hudson Valley, Inc., College Scholarship, 2013, 2014.

ON THE JOB
Every day is different, and I get to see some of the latest technology helping patients achieve great outcomes. In my current role I'm a mix of clinical and technical support. I am always traveling around Manhattan to different hospitals. I work with neurosurgeons around the city in the OR supporting our technology. Spinal surgery is actually quite similar to construction! I am also responsible for repairing the systems, giving demonstrations and trainings.

EDUCATION
B.S. in Bioengineering Degree 2017, Syracuse University

PROUDEST ACCOMPLISHMENT TO DATE
After two years in the job, I received a promotion to Application Consultant. The promotion has really allowed me to expand my knowledge of both the clinical and technical side of the job.

FAVORITE QUOTE
"Embrace what you don't know, especially in the beginning, because what you don't know can become your greatest asset. It ensures that you will absolutely be doing things differently from everybody else."
—Sara Blakely

MOST INSPIRATIONAL EDUCATOR
My favorite professor is Professor Yung. He really pushed us to find solutions to problems on our own. He was our capstone professor and the skills learned in that class have greatly benefited me in my professional career. He always would push us to troubleshoot difficult problems, a skill I use every day. (Bioengineering Undergraduate Program Director Professor Pun To {Douglas} Yung, Syracuse University.)

ON CHOICE OF PROFESSION
I love my current job, and I'm working to gain even more knowledge to further my career. I'm hoping to either move into a research and development or a marketing role.

HOBBIES/OUTSIDE INTERESTS
City life. I moved into Manhattan and I'm hoping to explore more once the weather turns and things open up. Cooking too, I'm trying new recipes and learning to make bread.

RELATIONSHIP TO CAI/BCA ORGANIZATIONS
My father is a member of Carpenters L.U. 279.

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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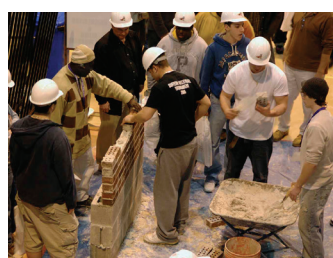
Industry Participants

Bricklayers and Allied Craftworkers – Local 5
Building Construction Laborers – Local 235
Electrical Workers (IBEW) - Local 3
Electrical Workers (IBEW) - Local 363
Heat & Frost Insulators – Local 91
Heavy Construction Laborers – Local 60
Ironworkers Union – Local 417
Laborers International Union – Local 754
Operating Engineers – Local 825
Operating Engineers (IUOE) – Local 137
Operating Engineers (Stationary Engineers) – Local 30
Ornamental Ironworkers Union - Local 580
Painters and Allied Trades (IUPAT) - District Council 9
Plumbers & Steamfitters Union – Local 21
Roofers & Waterproofers & Allied Workers – Local 8
Sheet Metal Workers Union – Local 38
Teamsters & Chauffeurs – Local 456
United Brotherhood of Carpenters and Joiners of America - Local 279



See you in Spring 2022.

Check back for updates at www.cicnys.org



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WHAT'S NEW & WHO'S NEWS

San Francisco Construction Firm Expands To East Coast with NYC Regional Office

NEW YORK—The California-based construction services firm Swinerton has expanded operations to the East Coast with its first New York office in the company's 133-year-old history. Located at 292 Madison Ave. in Manhattan, the new office will be managed by Andrew Pearl, a former New Yorker, who returns to his roots from Swinerton's California headquarters to head up the New York operation.

"Despite the uncertainty due to the pandemic that adversely impacted New York City, particularly in the office market sector, Mr. Swinerton sees opportunity in crisis," says Eric Foster, CEO of Swinerton. "We build nationally and will connect with our long-standing clients to serve them best in one of the hardest hit areas of the country."

Swinerton brings expertise in building Affordable Housing, Aviation, Education, Corporate and Critical Facilities, Gaming, Healthcare, Hospitality, Interiors, Residential, Retail, Life Sciences, and Renewable Energy



Andrew Pearl, Swinerton VP, Division Manager

to New York. The company is currently working for Fortune 500 Corporate Services clients in Pennsylvania, Maryland, Washington D.C. and Virginia, and has already secured work in New York City.

"At Swinerton, we don't see New York City at the end of its glory days

in construction and real estate growth, and one would just need to look to Facebook's 730,000-square-foot lease at Farley Post Office this summer as proof," said Mr. Pearl, Swinerton VP, Division Manager.

Swinerton has been a 100% employee-owned company since 1985 in which nearly 5000 employees, half of which represent the trade, share in the company's profits and are thoroughly committed to its success. The Swinerton Foundation is a 501(c)(3) that helps build sustainable cities and neighborhoods by partnering with community-focused non-profit organizations to support health, social services, cultural, education, and environmental programs that benefit all members of the community.

"Being in the New York market has accelerated the company's 15-year business plan to expand both geographically and through sector diversification," Pearl said. "For now, we are bullish on office interiors as our target sector and fulfilling our East Coast expansion plan."



Eric Foster, CEO, Swinerton

Swinerton is headquartered in Concord, CA with regional offices in Spokane and Seattle, WA; Portland and Bend, OR; Sacramento, San Francisco, Oakland, Santa Clara, Los Angeles, Santa Ana, and San Diego, CA; Honolulu, HI; Denver, CO; Dallas and Austin, TX; Atlanta, GA; Charlotte and Raleigh, NC; and New York City.

Mayor de Blasio Appoints Loeb President and CEO of NYCEDC

NEW YORK—New York City Mayor Bill de Blasio appointed Rachel Loeb on May 11 as the president and CEO of the New York City Economic Development Corporation. Ms. Loeb has been NYCEDC's acting president since March, when she succeeded James Patchett.

"New York City will build a recovery for all of us by driving economic growth in every neighborhood. That's a tall order—but visionary, forward-thinking leaders like Rachel Loeb can help us get it done," said Mayor de Blasio. "Rachel



Rachel Loeb

has been an extraordinary public servant at several roles at EDC. The creativity and hard work she demonstrated in helping us fight back COVID-19 this past year will help New York City become the public health capital of the world, and create a lasting, equitable economic recovery."

Ms. Loeb joined NYCEDC in 2018. In both her roles as acting president and CEO and as former chief operating officer, she helped lead the organization through the challenges of the COVID-19 crisis and focused on infusing equity and inclusion more deeply into the work of NYCEDC.

As president and CEO, she will continue to oversee NYCEDC's portfolio of projects in life sciences, investments in infrastructure, sustainability, and innovation. Recently, Ms. Loeb led elected officials on a tour of the South Brooklyn Marine Terminal, where she spearheaded plans to activate the site to support offshore wind development, and laid out a vision for the future, including a plan for sustainability and growth in green jobs for New Yorkers.

Prior to joining NYCEDC, Ms. Loeb was a senior executive member of World Wide Group, overseeing all aspects and phases of the development process. Before joining WWG, Loeb was a Senior Director of Development for AvalonBay, where she was responsible for the development of more than 1,400 apartments. She began her career in Ho Chi Minh City, Vietnam where she worked on the Saigon South development, an 8,000-acre new town community.

Ms. Loeb is a graduate of Northwestern University and the Massachusetts Institute of Technology, where she earned a Master's in City Planning. She lives in Brooklyn with her husband and two sons.

LeChase Hires Grom As Project Executive

ARMONK, NY—LeChase Construction Services, LLC recently announced the addition of Timothy Grom as project executive in the Armonk office.

In his role, Mr. Grom will manage large or multiple projects for core clients, with accountability for quality, value, schedule, budget and safety. He will also oversee the mentoring and recruitment of project team members.

Prior to joining LeChase, Mr. Grom served as director of construction at Nuvance Health, a hospital system in the New York Hudson Valley region and in Connecticut. While at Nuvance, he managed construction of Vassar Brothers Medical Center's new \$600-million Patient Pavilion in Poughkeepsie, NY.

Mr. Grom earned a degree in architecture from Northampton College (Bethlehem, PA). He currently resides in Westfield, NJ.



Timothy Grom, Project Executive LeChase Construction Services

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Operating Engineers Local 15D
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Teamsters Local 456
Elmsford, NY

Building Laborers Local 235
Elmsford, NY

Ironworkers Local 417
Wallkill, NY

Operating Engineers Local 137
Briarcliff Manor, NY

Carpenters Local 279
Hopewell Junction, NY

Ironworkers Local 40
New York, NY

Safety Watch

Navigating the Challenges Of Pandemic-Related Changes to the Workplace

By GEOFFREYS. POPE, ESQ.

The pandemic has brought with it a terrain of earthquakes and minefields for the construction industry. While prospects appear to be brightening as we near the halfway mark of 2021, much uncertainty will remain. COVID-19 and its continuing fallout on the U.S. economy look to be unwelcome guests for months and perhaps years to come.

One notable trend is that many small enterprises are fighting to remain afloat. The structural ailments of the “small subcontractors” component of the industry persist as a problem, and not just for the small subcontractors themselves. With the loss of business due to the pandemic, many smaller companies simply went out of business. Of those that remain, most continue to face what are chronic problems even in relatively good times: slender profit margins and the shortage of skilled tradesmen, which is growing worse as thousands of construction workers who were unemployed are now abandoning or retiring from the industry altogether.

What many general contrac-



tors are doing faced with the thinning of the subcontractor ranks is to reduce their dependency on subcontractors (and the vulnerability of their projects to subs that might be hanging on by a thread) by developing (which usually means “hiring”) an employee’ competent to perform many trades traditionally done by subcontractors, and doing that work in-house. Potentially, at least, this may provide significant advantages. For one thing, in the measure that a general contractor has work that was traditionally done by subcontractors done by its own forces, it has greater control over that work, and coordinating it with

that of other contractors on the job. By hiring workers directly, a general contractor can avoid paying the profit margin taken by the owners of its former subcontractors. Unpleasant surprises (such as a critical sub going out of business without warning, due to problems in getting paid on other projects) may be avoided.

Of course, while a general contractor could establish an affiliated or “captive” entity to do those trades (typically, plumbing and electrical) that require licensure, the necessity of licensure in order to perform those trades limits a general contractor’s ability to drop its electrical and plumbing subs and hire electricians and plumbers directly.

General contractors vary enormously in how much and what elements of the physical work they perform with their own forces on projects. Sometimes a GC will sub out all of the physical work and provide a superintendent, financial management and required per-

formance and payment bonds. At other times, the GC may have its own forces onsite and

Don’t assume that safety and OSHA compliance will “just happen” if you jettison relationships with some or most of your subcontractors, or that all will be well if you simply hire older, more experienced workers for those trades that you are newly undertaking to perform in-house.

perform much of the physical work throughout the course of the job.

Of course, by reason of having control over the jobsite, under the New York Labor Law and the OSH Act, the general contractor is generally responsible for safety observance by its sub-

contractors. However, whereas the GC employing a panoply of subs has such responsibility for project safety as conferred on it by the “multi-employer worksite doctrine,” it will usually be aided in maintaining a hazard-free jobsite by a team, however informal it might be, which will consist of those supervisors or officers of the subcontractors having responsibility within their respective organizations for employee safety.

If, however, in the COVID or post-COVID environment, a general contractor elects to use the minimum number of subcontractors, and to perform most work heretofore done by subcontractors using its own forces, its safety responsibilities will be multiplied correspondingly. Preventing injuries and preventing OSHA violations requires a wide range of knowledge. The hazards, OSHA standards and steps to be taken to avoid injuries vary widely from trade to trade. Don’t assume that safety and OSHA

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Peekskill Scores \$10M in State Grants

Continued from page 12
Bohlmann Towers and Barham Senior Houses—\$380,000: Create a mesh Wi-Fi network to offer low-cost Internet to residents of Bohlmann Towers and Barham House Apartments, free access to a local resource gateway, and free Wi-Fi access along the Main St. Corridor including Lepore and Pugsley parks.

Create a Downtown Civic Hub and Improve the Downtown Public Realm—\$1,626,000: Create the Peekskill Plaza on South Division Street by converting two lanes to a pedestrian civic space, redesign Gazebo Plaza as the civic heart of Peekskill, improve streetscapes to enhance pedestrian safety and beautify downtown Peekskill.

Improve Connections for Pedestrians and Cyclists between the Waterfront and Downtown—\$1,102,000: Strengthen the connection between the waterfront and the downtown core by improving connectivity and safety for pedestrians and bicyclists on Railroad Avenue, South Water Street, Central Avenue, and South Street. Components include bike lanes, curb extensions, crosswalks, bioswales, bike racks, LED info signage, street trees and pedestrian signals.

Create a Marketing and Branding Strategy with Way-finding Signage—\$500,000: Develop a brand for Peekskill that describes the city’s history and culture, create a marketing strategy to communicate the city’s brand and attract

new residents, businesses, and visitors, and implement components of the marketing strategy with wayfinding signage.

Enhance Pugsley Park as a Downtown Attraction—\$313,248: Improvements to Pugsley Park including creation of new plazas and seating areas, pedestrian-scaled lighting; small-scale play equipment to attract children, trash cans, bike parking, plantings of trees, shrubs, and flowers and infrastructure to support power hook-ups and watering.

Enhance Monument Park, a Gateway into Downtown Peekskill—\$260,000: Monument Park would be enhanced by lighting and maintenance improvements to improve the quality of the public space for daily use by residents. The project proposal calls for funding for lighting, landscaping, and LED informational sign at the bus stop.

Reconstruct Fleischmann Pier and Improve Charles Point Park as a Premier Waterfront Destination—\$180,000: Reconstruction of Fleischmann Pier to create a new pier that will support tour boats. The project would provide funding for a second phase improvement to include floating docks for smaller vessels and transient boaters, improvements to Charles Point Park, and expanded parking area building.

Peekskill Mayor Andre Rainey said, “New York State is making a big bet on the great City of Peekskill, because they know we have the people, the

vision, and the community engagement necessary, to keep the city moving ever upward. Make no mistake: the state isn’t providing \$10 million in funding by accident. They see strong, visionary leadership that is balancing growth and affordability, while remaining true to the creativity and diversity that brought us to this point. I couldn’t be more proud of the people of this city and all we have accomplished together”

Westchester County Executive George Latimer added, “I want to thank Governor Andrew Cuomo for making the City of Peekskill a priority as part of his \$10 million Downtown Revitalization Initiative Award. The funding, which will include the creation of mixed-use housing, improvements to the Boys & Girls Club of Northern Westchester, revitalization of the Paramount Theater, signage improvements to the waterfront and downtown area, and a series of public art installations, will ultimately help to build a stronger local economy and a more vibrant Peekskill community. Investing in these DRI projects will promote additional redevelopment, and establish Peekskill as a desirable small city in which to live, work and raise a family.”

In the first four years of the DRI, the state has committed \$400 million to invest in downtowns that are ripe for revitalization and have the potential to become magnets for redevelopment, business, job creation, greater economic and housing diversity, and opportunity.

WASHINGTON UPDATE

DOT Sec. Buttigieg Announces \$1.69B for Amtrak COVID-19 Relief

WASHINGTON – U.S. Secretary of Transportation Pete Buttigieg announced on April 27 that the Department of Transportation’s Federal Railroad Administration is making more than \$1.69 billion available to the National Railroad Passenger Corporation (Amtrak) to provide relief from the impacts of COVID-19 to the company’s business operations, workforce, and state funding partners. The funding is provided under the American Rescue Plan Act of 2021.

“Help is here. The President’s American Rescue Plan is already delivering for workers and the traveling public,” said Sec. Buttigieg. “This new assistance for Amtrak will get employees back to work and restore service on routes across the country, at a time when this help is urgently needed.”

After experiencing its best year in 2019, Amtrak has faced an unprecedented decline in ridership since the start of the pandemic, which led the company to furlough employees and reduce service levels in response to revenue shortfalls. Funding from the American Rescue Plan will be used primarily to offset the loss of ticket revenue that Amtrak uses to operate its trains and maintain its infrastructure. Amtrak has begun recalling furloughed employees and plans to restore long-distance service starting in late May.

FRA has obligated \$969,388,160. for the Northeast Corridor (NEC) and \$728,611,840. for the National Network of state-supported and long-distance intercity passenger routes as mandated by Congress to prevent, prepare for, and respond to the coronavirus.

“The timing of this funding is essential to helping ensure that Amtrak is able to quickly return to service supporting the Nation’s transportation needs and recovery from the COVID-19 pandemic,” said FRA Acting Administrator Amit Bose. “For our part, we are committed to transparency and are requiring enhanced reporting from Amtrak to show how funding from the American Rescue Plan is being efficiently and effectively used to respond to present challenges.”

In the grant agreement with Amtrak, FRA requires the railroad company to report on the number of furloughed employees recalled to service and provide a schedule for the expected recall of all furloughed employees.

As part of the funding package, at least \$109.8 million will be used to help states and commuter railroads cover their share of capital costs associated with using the NEC.

In addition, \$174 million must be used to offset amounts that states are required to pay for covered state-supported routes along the National Network.

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Gov. Cuomo to Fund \$750M for Regional Economic Development Council Projects

ALBANY—Gov. Andrew M. Cuomo announced on May 11 the launch of Round XI of the Regional Economic Development Council initiative, officially kicking off a new decade of economic development in a post-pandemic recovery. The 2021 funding round includes more than \$750 million in state economic development funding.

The Consolidated Funding Application opened on May 10, enabling businesses, municipalities, not-for-profits and the public to begin applying for assistance from dozens of state programs for job-creation and community development projects.

“The COVID pandemic has taken a tremendous toll on our state, but now is our time to build back better and stronger than before and create a New York that serves our children and their children and their children,” Gov. Cuomo said. “It’s going to be hard—it’s always hard to do what has never been done before—but after what New Yorkers have been through this past year, there is no challenge they can’t meet today. We’re announcing a new decade of the Regional Economic Development Councils so that regions all across the state can plan their own economic rebirth and come up with their own smart and daring plans to rebuild, and New York

State will fund it.”

Over the past 10 years, the Regional Economic Development Councils have revitalized the state’s economy from the ground up through a community-based and performance-driven approach to economic development.

Round XI includes core capital and tax-credit funding that will be combined with a wide range of existing agency programs totaling approximately \$750 million. The core funding includes \$225 million in grants and tax credits to fund high value regional priority projects. The Budget also makes over \$525 million in resources from state agencies available to support community revitalization and business growth consistent with the existing REDC plans through the CFA process.

In order to be responsive to the immediate needs of the development community and as the state is making crucial investments to generate economic activity, the \$150 million in grant funds from Empire State Development will be made available to projects on a continuous and competitive basis this round.

Round XI Awards

The Regional Councils will identify and recommend priority projects that will be eligible for up

to \$150 million in capital funds on a rolling basis, meaning projects will be reviewed throughout the round. An emphasis will be placed on project readiness and alignment with each region’s strategic plan. Additionally, projects within each region will also be eligible for a share of \$75 million in Excelsior Tax Credits to help attract and grow business in the region. Projects from all 10 regions submitted through the CFA will be eligible for more than \$525 million in other state agency funds, which are available on a set timeline. Regional Economic Development Councils will review these projects and provide scores that reflect how well a project aligns with a region’s goals and strategies.

The 2021 REDC Guidebook and list of available resources is accessible. The CFA opened on Monday, May 10, and the deadline for applications is Friday, July 30 at 4 p.m.

The REDC process continues to improve the state’s approach to economic development, creating regional strategies for bottom-up, economic growth and streamlining the state funding application process. To date, through the REDC competition, more than \$6.9 billion has been awarded to more than 8,300 job creation and community development projects consistent with each region’s strategic plans, which project to create and retain more than 240,000 jobs statewide.

To date, through the REDC competition the Mid-Hudson REDC has been awarded \$713.6 million for 914 projects; the New York City REDC has been awarded \$615.9 million for 819 projects; and the Long Island REDC has been awarded \$727 million for 885 projects.

ALBANY UPDATE

A Dubious Distinction: **Drivers in Hudson Valley Top List In Workzone State Police Tickets**

ALBANY—State officials announced on May 6 that New York State Police and another law enforcement agency issued 444 tickets during last month’s “Operation Hardhat,” an initiative between law enforcement entities, the New York State Department of Transportation and the New York State Thruway Authority, to crack down on workzone violations and highlight the importance of safe driving when encountering construction, maintenance and emergency operations along state highways.

The Hudson Valley region led the entire state with more than 160 tickets issued during Operation Hard Hat.

Operation Hardhat details were held in almost every region of New York State in support of National Work Zone Awareness Week, which took place from April 26 to April 30. The enforcement and educational efforts come as New York State continues to experience a rising number of work zone intrusions, including three recent crashes that injured six highway workers recently, state officials noted.

During Operation Hardhat, members of law enforcement patrol Department of Transportation and Thruway Authority work zones to enforce work zone speed limits and ensure that motorists are obeying flagging personnel.

“Our highway workers do vitally important work in often hazardous conditions so that we can all get where we need to go safely and with minimal delays,” Gov. Cuomo said. “Six highway workers in state work zones were sent to the hospital as a result of work zone crashes. I applaud all those who took part in Operation Hardhat and urge motorists to slow down and drive safely in work zones. New York State has zero tolerance for drivers who endanger our dedicated workforce.”

The 444 tickets issued during Operation Hardhat last week included the following violations: Speeding—81; Seatbelts—41; Cell Phone—135; Failure to Move Over—47; Failure to Obey Traffic Control Device—1; and Other violations—139.

Operation Hardhat details resulted in violations in almost every region of the state, including: Hudson Valley—161; Long Island—59; Capital Region—53; Central New York—46; Southern Tier—44; Mohawk Valley—37; Western New York—26 and the North Country—18.

New York State Department of Transportation Commissioner Marie Therese Dominguez said, “Operation Hardhat is an incredibly effective way to enforce work zone safety and I can’t thank our partners in law enforcement enough for the work they are doing to help protect our transportation workers, who each day, face enormous hazards on the job. Those hazards were all too evident on April 27, when two members of the DOT family were hospitalized, one with critical injuries, following a vehicle collision in a work zone along Interstate 87 - a site that only a short time earlier had been the location of an Operation Hardhat detail. It’s imperative that motorists put down their phones, pay attention and drive safely in highway work zones and show our transportation workers the respect they deserve.”

New York State Thruway Authority Executive Director Matthew J. Driscoll added “Already this construction season, there have been numerous incidents on New York State roads that put roadside crews in danger, including one that resulted in serious injuries to DOT workers. Initiatives such as Operation Hardhat promote awareness for work zone safety, and it is crucial motorists make safety a priority when traveling in work zones. Lives depend on it. We thank our partners at New York State Police Troop T for keeping the Thruway safe and protecting the lives of motorists and our workers.”

During Work Zone Awareness Week, the Thruway Authority released shocking video of a work zone intrusion. On April 19, a Thruway maintenance crew was working on I-90 near Albany when a motorist entered the work zone and hit a Thruway maintenance truck. The crew had just returned to their vehicle moments before it was hit, and thankfully no one was injured.

Gov. Cuomo Vows 20 Energy Projects Will Break Ground Sometime This Year

ALBANY—New York Gov. Andrew M. Cuomo announced on Earth Day (April 22) that more than 20 large-scale renewable energy infrastructure projects will be under construction across the state this year, including the first utility-scale solar project in Upstate New York to enter the final phase of construction.

These projects will create more than 2,000 jobs and spur nearly \$1.5 billion in private investment to help stimulate the state’s economic recovery from the COVID-19 pandemic, state officials noted.

The governor also announced that New York State has launched its fifth annual solicitation, the state’s largest land-based procurement to date, for large scale renewable projects to accelerate the rapid pace of clean energy development and combat climate change. This announcement advances progress toward New York’s goal that 70 % of the state’s electricity come from renewable sources like wind and solar by 2030 as outlined in the Climate Leadership and Community Protection Act.

“New York State’s economy faces huge challenges from both the COVID-19 pandemic and the ongoing climate crisis, and renewable energy has a vital role to play in our state’s ongoing convalescence and our economic recovery,” Gov. Cuomo said. “These large-scale renewable projects will foster much-needed investment and thousands of good-paying jobs across New York as we continue to rebuild the state’s economy with green energy. We’re strengthening our commitment to renewable energy by creating new private-public partnerships that can accelerate the development of these critical resources to meet the unprecedented challenges posed by climate change.”

Together, these projects are expected to generate enough renewable energy to power more than 320,000 New York homes and reduce carbon emissions by nearly one million metric tons annually, equivalent to taking more than 215,000 cars off the road every year.

Lt. Governor Kathy Hochul made the announcement in Washington County at a ribbon-cutting ceremony for the first utility-scale solar project in Upstate New York, the first of the projects, which is entering the final phase of construction. Located in Easton, the 20-megawatt Branscomb Solar project developed and constructed by CS Energy and owned by Goldman Sachs Renewable Power will generate more than \$20 million in private investment and create nearly 100 jobs to support its construction and future operations and maintenance in the Capital Region.

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New York State DOT
Region 8

Bid Letting Date: June 1, 2021

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract# D264534
PIN# 880862
FA Proj.# Z001-8808-623

Project Description: Ulster Co., bridge rehabilitation project: Wurts Street Bridge over Rondout Creek, City of Kingston, Town of Esopus, Best Value Procurement.

Bid Deposit: 5% of Bid (~ \$2,750,000.00)

Goals: DBE: 6.00%

Bid Letting Date: June 3, 2021

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract# D264521
PIN# 881520
FA Proj.# Z0E3-8815-203

Project Description: Dutchess, Rockland, Westchester Cos., signal optimization: wireless vehicle detection system Dutchess, Rockland and Westchester counties.

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

Goals: DBE: 10.00%

Bid Letting Date: June 3, 2021

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract# D264528
PIN# 881430

Project Description: Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., biennial roadside vegetation management Columbia, Dutchess, Putnam, Orange, Rockland, Ulster, Westchester Counties.

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

Goals: MBE: 0.00%, WBE: 0.00%, SDVOB: 0.00%

Bid Letting Date: June 17, 2021

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract# D264464
PIN# 881374

Project Description: Westchester Co., bridge rehabilitation project: six bridges in the Village of Tarrytown, Cities of Peekskill and Yonkers in Westchester County., Night Time Work.

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

Goals: DBE: 10.00%

New York State DOT
Region 10

Bid Letting Date: June 3, 2021

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract# D264414
PIN# 081010
FA Proj.# Z0E1-0810-103

Project Description: Suffolk Co., preventive maintenance and structural bridge repairs on Heckscher State Parkway (HSP) over Hawthorne Ave, LIRR, Union Boulevard & NY 27A in the Town of Islip, (BIN 1059969, 1059979, 1059989) in Suffolk County.

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

Goals: DBE: 9.00%

New York State DOT
Region 11

Bid Letting Date: June 2, 2021

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract# D264507
PIN# X72031

Project Description: Bronx Co., bridge replacement of E. 138th St over Major Deegan Expressway in the Borough of the Bronx, Prebid Meeting.

Bid Deposit: 5% of Bid (~ \$2,750,000.00) , Goals: DBE: 10.00%

Bid Letting Date: June 3, 2021

New York State Department of Transportation
Contract Management
50 Wolf Road, 1st Floor, Suite 1CM
Albany, NY 12232

Contract# D264511
PIN# X22872
FA Proj.# ZS3E-X228-723

Project Description: Queens Co., safety improvement on Long Island Expressway (I-495) at various locations, between 48th St & Little Neck Pkwy, Queens County.

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

Goals: DBE: 10.00%

New York State
Dormitory Authority

Bid Due Date: June 3, 2021

Title: New York State Office of Mental Health, Rockland Psychiatric Center, Drainage Improvements

Contract: CR12 General Construction

Project # 3515809999

Sealed bids for the above Work located at Rockland Psychiatric Center, 140 Old Orangeburg Road, Orangeburg, New York 10962 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 – JENNIFER BURTCH." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

All individuals who plan to attend pre-bid meetings or bid openings in person will be required to complete and present a DASNY Visitor Covid-19 Screening Questionnaire, present government-issued picture identification to building security officials and obtain a visitor's 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 June 3, 2021 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: Katarzyna Drogowski, Project Manager, DASNY, Rockland Psychiatric Center, 140 Old Orangeburg Road, Building 19 – Second Floor, Orangeburg, New York

10962 917-416-6642kdrogows@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 Wednesday, May 12, 2021 at 10:00 AM at Rockland Psychiatric Center, 140 Old Orangeburg Road, Building 19 – Second Floor, Orangeburg, NY, 10962. Contact Anthony Brown at 845-398-1055. 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>.

Bid Due Date: June 17, 2021

Title: New York State Department of Health, Helen Hayes Hospital, Stone Wall Repairs

Contract: CR8 General Construction

Project# 3540609999

Sealed bids for the above Work located at Helen Hayes Hospital, 51-55 Route 9W, West Haverstraw, NY, 10993 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 – JENNIFER BURTCH." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

All individuals who plan to attend pre-bid meetings or bid openings in person will be required to complete and present a DASNY Visitor Covid-19 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 June 17, 2021 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. Des-

ignated staff for this solicitation is: Paul Goncalves, Project Manager, DASNY, SUNY Purchase, 735 Anderson Hill Road - Facilities Planning, Purchase, NY 10577 845-222-3823 pgoncalv@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 is scheduled on Thursday, May 20, 2021 at 10:00 AM at Helen Hayes Hospital, 51-55 Route 9W, West Haverstraw, NY, 10993. Contact Paul Goncalves at 845-222-3823. 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>.

Westchester County
DPW

Bid Due Date: May 26, 2021

Contract: 17-519 (\$100.)

Title: Site Work Improvements, Blue Mountain Reservation, Town of Cortlandt and City of Peekskill, NY

Description: The work under this contract consists of providing all necessary labor, material and equipment required for the site work improvements at Blue Mountain Reservation, which includes replacement of electric, communications, sanitary and water utilities throughout the park. The project also includes resurfacing of pathways and small footbridges along with all associated site work and landscaping.

Bid Estimate Range: \$2.5 million to \$3.2 million.

Pre-Bid Inspection: Scheduled for 10:00A a.m. May 11, 2021; meeting at Main Lodge Entrance.

Contact: Esther Rivas, 914-995-5584.

Bid Due Date: May 26, 2021

Contract: 20-518 (\$100.)

Title: Roadway Rehabilitation, Mamaroneck Avenue (C.R. #8, 8A, 8B, 8C & 8D) from Bryant Avenue to Mount Pleasant Avenue, A Distance of 5.09 Miles, City of White Plains, Town of Harrison and Village of Mamaroneck, NY

Description: The work under this contract consists of providing all necessary labor, material and equipment required for the milling and resurfacing of Mamaroneck Avenue. This project will also include replacement of curbs and traffic signal loops along with bus stop improvements and installation of ADA sidewalk ramps.

Note: The Contractor is directed to the Special Notice regarding Project Labor Agreement (PLA).

Bid Estimate Range: \$11.5 million to \$12.5 million.

Pre-Bid Inspection: None Scheduled.

Contact: Kevin Roseman, 914-995-4084.

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Attorney's Column

Continued from page 10

ties. While APS's claims ended up buried in the graveyard of inadequate notice, this did not need to happen.

It goes without saying that contractors would be well advised to follow such contractual conditions precedent to the letter so that you are not in the position of having to later argue, like APS, that cobbled together correspondence constitutes the notice required by the contract. Often, and unfortunately, by the time the contractor recognizes that it is up against a deadline to submit a notice of claim, that deadline may have already passed. Your project people must learn to recognize the actions and correspondence from the Owner that trigger the Notice stop watch.

In that regard, contractors should examine their contracts with experienced construction counsel so that they can—at the outset of the job—have a checklist of what to submit when a claim arises and the deadline for doing so.

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 of and Senior 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.

Safety Watch

Continued from page 20

compliance will “just happen” if you jettison relationships with your subcontractors, or many of them, or that all will be well if you simply hire older, more experienced workers for those trades that you are newly undertaking to perform in-house.

While risk-taking behaviors subside somewhat with age—and experienced workers will likely, by reason of having been trained over and over—be more aware of best safety practices than newcomers to the industry, OSHA is adamant about the necessity to train and to re-train. Plus, the safety proficiency and leadership abilities of your field supervisors are essential elements of a successful safety program; since the rank and file generally do not direct the activities of others, their knowledge of the full range of OSHA requirements applicable to the work of their trade is less important than the knowledge of your supervisors.

If you are experiencing higher-than-usual turnover among your supervisors, if you're also doing unfamiliar work, and trying to keep abreast of measures to minimize COVID infections among your employees, you need a sober realization that you're stretched pretty thin in the safety department. If you're not invested in a highly-skilled safety manager, this might be the time to consider hiring one, and if that isn't an option, increasing safety planning is strongly recommended.

As you prepare to undertake new project, you need to devote

some serious effort and get input from others (in particular, people highly experienced in safety planning or supervising employees in performing any trades you're taking on that you don't know backwards and forwards). Everyone in your company needs to be told that the health and financial challenges flowing from the pandemic cannot diminish anyone's efforts to work safely. Indeed, you should invite your employees to be even more actively involved in safety efforts, and to offer any information or practical suggestions they might have or learn about. Increasing safety training (with emphasis as always on the “fatal four”—falls, electrocutions, struck-by and caught-between injuries).

We all know that these are singularly challenging times. If you want to emerge, however long it might take, on the other side of this crisis with your business intact, it's critical to avoid dropping the ball on employee safety. The companies that give safety the attention it requires will have the best prospects to survive and prosper.

About the author: Geoffrey S. Pope, Esq. is Of Counsel to the construction law firm of Welby, Brady & Greenblatt, LLP, with its main office in White Plains. The articles in this series do not constitute legal advice, and are intended for general guidance only. Please contact legal counsel promptly if you receive an OSHA citation, or have questions concerning matters relating to construction safety, or OSHA compliance.

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LOW BIDS

Cobleskill, Elderlee, A. Colarusso & Son J. Fletcher, ANJAC Nab NYSDOT Bids

ALBANY—The New York State Department of Transportation recently announced the selection of five apparent low bidders in the Hudson Valley/New York City regions.

Cobleskill Stone Products Inc. of Cobleskill, NY was the lowest of three bidders at \$319,900.26 for highway job order contract for Delaware and Sullivan counties.

Elderlee Inc. of Oaks Corners, NY was the lowest of four bidders at \$376,946.25 for wrong way driving sign replacement at various locations in Broome, Chenango, Delaware, Otsego, Schoharie, Sullivan, Tioga counties.

A. Colarusso & Son Inc. of Hudson, NY was the lowest of three bidders at \$1,325,384.31 for special surface treatment and sidewalks in the Towns of East Fishkill, Lagrange and Poughkeepsie in Dutchess County.

J. Fletcher Creamer & Son Inc., of Hackensack, NJ was the lowest of three bidders at \$3,059,741.00 for guiderail replacements in Dutchess, Orange and Westchester counties.

ANJAC Enterprises Inc. of Brooklyn, NY was the lowest of three bidders at \$1,925,981.20 for wrong way driving and low clearance bridge counter measures in Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester counties.

Yonkers Contracting Wins Bid For NE Thruway Resurfacing

ALBANY—The New York State Thruway Authority announced recently that **Yonkers Contracting Company, Inc.** of Yonkers, NY was the lowest of three bidders (and one deemed informal) at \$19,911,907.00 for Contract TANE 21-9/D214781—resurfacing a portion of the New England Thruway (I-95) from milepost NE 8.8 NB To NE 10.8 NB and milepost NE 13.0 to NE 14.1 NB and SB, including the vertical jacking of three bridges in Westchester County in accordance with the plans and specifications.

ELQ, PCI Industries Land DPW Projects

WHITE PLAINS—The Westchester County Department of Public Works recently announced the selection of three apparent low bidders for work at its facilities in the county.

ELQ Industries Inc. of New Rochelle, NY was the lowest of seven bidders at \$5,050,000.00 for sewer system rehabilitation, Drake Avenue and Hudson Park Siphon Chambers, New Rochelle Sanitary Sewer District, New Rochelle, NY.

PCI Industries Corp. of Mount Vernon, NY was the lowest of four bidders at \$846,645.00 for rehabilitation of Pelham Parkway (C.R. #70) from Fulton Avenue Bridge to Boston Post Road, a total distance of approximately 0.30 miles, Village of Pelham Manor, NY.

ELQ Industries Inc. of New Rochelle, NY was the sole bidder at \$464,794.00 for Kemeys Cove Force Main rehabilitation, Phase I – interim repair, Ossining Sanitary Sewer District, Village of Ossining, NY.

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George Drapeau III, Director of Membership Services

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