



Construction NEWS



\$115 Million Capital Program in 2022

Westchester Plans Aggressive Schedule For Road, Bridge, Wastewater Projects

By JOHN JORDAN

WHITE PLAINS—Westchester County plans to conduct bids on nearly 20 projects in the third and fourth quarters of this year that are estimated to be valued at more than \$115 million, CONSTRUCTION NEWS has learned.

In an exclusive interview with CONSTRUCTION NEWS, the Commissioner of Public Works and Transportation for Westchester County, Hugh J. Greechan, Jr., P.E., said the project work involves roads, bridges and wastewater projects as well as work at Westchester County Airport and Rye Playland.

Mr. Greechan said that by July 20, the projects on the drawing board for the remainder of 2022 have an estimated value of more than \$115 million. He added that the value of the contracts will likely increase, and he expects that additional projects will be added to the 2022 bid schedule. He added that the amount of work being let to bid this fall and winter is the largest the county has



Beautiful Bridgework

Allocations in Q3 and Q4 include Westchester County DPW road and bridge spending of \$32 million with another \$32 million for County Parks facilities. More bridgework for the Bronx River Parkway is planned in Greenburgh and White Plains. Above, completed BRP bridge replacement project in Scarsdale.

undertaken in the past five years.

Among the projects are:

- Emergency contract work is now

underway at Wilson Pool in Mount Vernon, NY regarding repairs to the bottom of the pool. Further remediation work

will likely go out to bid possibly in the fourth quarter. He added that estimates on the pool work to be undertaken have not yet been made though he noted an early estimate could be around \$5 million.

- Approximately \$33 million of projects to be let in Q3 and Q4 are under the aegis of Westchester Environmental Facilities. The projects involve improvements, modernizations and repairs at the seven county sewage treatment plants or related pump stations.

- County Parks Department: another \$32 million in work to be let at county park facilities, including Rye Playland.

- The County DPW roads and bridges work for the remainder of this year was estimated at \$32 million.

- The DPW's transportation division project work for the third and fourth quarter is estimated at \$16 million.

- One of the larger contracts in the third quarter scheduled for public bid

Please turn to page 7

New York State Earns 'C' for Infrastructure; Roads, Wastewater Pumps/Plants/Pipes a 'D+'

By JOHN JORDAN

NEW YORK—The American Society of Civil Engineers issued an extensive and detailed report, which is both troubling and sobering of the current condition and future funding needs of New York State's infrastructure. The ASCE handed New York State a grade of "C" for its overall infrastructure, a slight improvement from the "C-" grade it gave the state back in 2015.

Released in July, the report barely gave passing grades for the state's road and wastewater infrastructure, which were both graded at "D+" while Bridges

came in slightly higher with a "C-" grade. Civil engineers handed out the following grades

ports (C+), public parks (B-), rail (C), solid waste (B-), transit (D+).

While New York has abundant freshwater resources, water and wastewater systems are among the oldest in the country, and many of New York's dams were built before modern design standards.

for the state's major infrastructure categories: aviation (C+), dams (C), drinking water (C-),

The grades and their meaning are:

- A: Exceptional: Fit for the Future
- B: Good: Adequate for Now
- C: Mediocre: Requires Attention
- D: Poor at Risk
- F: Failing/Critical: Unfit for Purpose

ASCE volunteers conducted the study over 18 months, and the report's findings were released on July 19 at a number of events held in Albany, Buffalo, New York City and Syracuse.

The report spelled out New York State's current infrastructure needs and the issues going forward. "New York's transportation network, especially in the New York City metropolitan area, is under immense strain in the context of an environment where needs outweigh available funding. Broadly, state and local agencies have utilized coordinated funding solutions to make improvements in recent years, however there is serious concern for the adequacy of future funding. Half of the state's roads are in fair or poor condition, 10% of its bridges are in poor condition. Reduced ridership during the pandemic has exacerbated revenue shortfalls for aviation and transit operations, leaving significant budget shortfalls looming in the coming years," the report stated.

The ASCE report also noted that recent supply chain issues and congestion have demonstrated the essential role America's multimodal freight

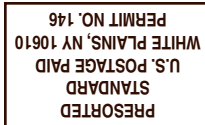
network serves in the national and global economy and that New York supports one of the busiest port systems in the U.S., along with 3,279 miles of rail lines.

"Ports and the smaller freight railroads face substantial funding backlogs to maintain and prepare structures for future needs. While the majority of freight rail is privately supported, the Port Authority of New York New Jersey has identified a capital need of \$20 billion to replace

Please turn to page 8

Inside

Next Gen Leaders	12
Safety Watch	15
Economic Outlook	16
Albany Update	17 & 22
Washington Update	18
What's New & Who's News ..	18
Financial Management	19
Low Bids	22



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New Expansions in Pharma, Biotech Sectors Pump \$2.2 Billion Into Hudson Valley Economy

By JOHN JORDAN

PEARL RIVER—The Hudson Valley's quest to become a national hub for the bioscience industry has gotten a major shot in the arm and the beneficiary is the region's construction industry which could see more than \$2 billion worth of new development projects thanks to two major corporate expansion programs.

Following Regeneron Pharmaceutical's recent announcement of its \$1.8-billion expansion of its corporate headquarters campus in Westchester County, comes word that global pharmaceutical firm Pfizer Inc. will spend \$470 million to expand its vaccine research and development operations in Pearl River across the Hudson in Rockland County.

As *Bloomberg* first reported, Pfizer confirmed to *CONSTRUCTION NEWS* on July 22 that it plans over the next three years to secure necessary approvals and expand and modernize its Pearl River campus with a new 260,000-square-foot lab building. The project will feature a total of 55,000 square feet of lab space. The new space is expected to be operational in 2026.

The plan by the Manhattan-headquartered firm also calls for the addition of amenities such as a modern café, fitness center, parking garage and functional outdoor plaza. According to Jerica Pitts, Senior Director, Global Media Relations for Pfizer. "The rejuvenated campus will feature connected buildings and a prominent main entrance," she said.

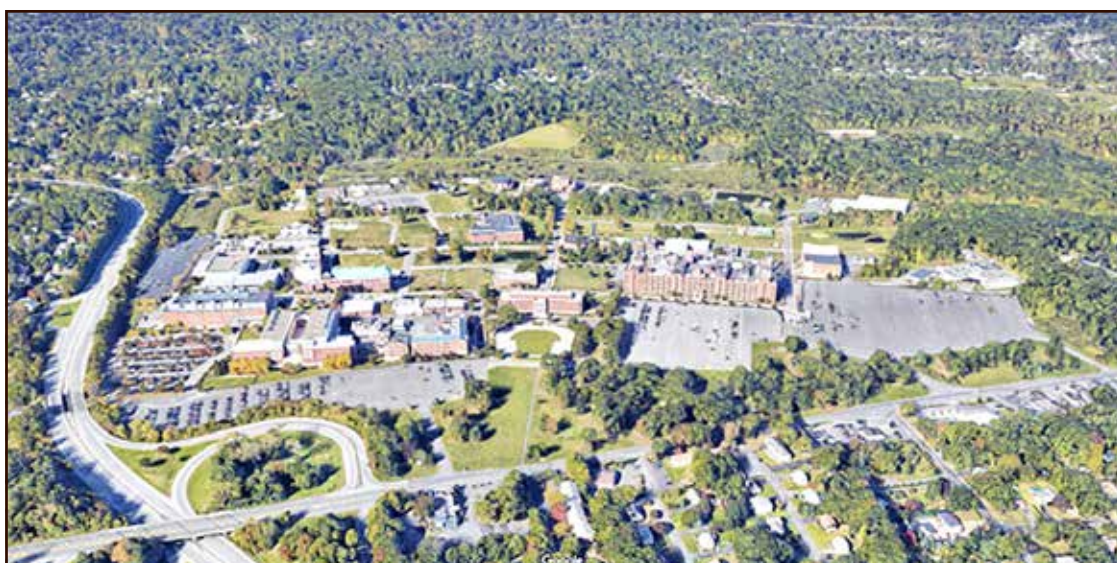
"Discussions about expanding Pearl River began before the pandemic, and Pfizer's COVID research put more strain on its facilities," Ms. Pitts said. "The additional space will allow more room and capabilities to expand ongoing work. The new design will have space for up to 370 workers and we plan to hire up to 150 more employees."

The campus was formerly owned by Pfizer, which sold most of the property to Industrial Realty Group in 2015. The IRG campus, now known as Hudson Valley iCampus, totals approximately 2 million square feet. Pfizer, which leases space at the Hudson Valley iCampus, occupies approximately 850,000 square feet of space on 33 contiguous acres it owns.

At press time it was unclear if the expansion space will be built on Pfizer-owned or leased property.

Hudson Valley iCampus tenants include Pfizer, Inc.; RK Pharma, Inc.; Sanofi US Services, Inc.; Iris Biogen Corp.; and Urban Electric Power, Inc. The property also features a 23-megawatt Central Utility Plant that provides electricity, steam and chilled water to the tenants and also to the buildings Pfizer owns.

Jamie Schwartz, president



The former Pfizer complex in Pearl River is now known as the Hudson Valley iCampus.

of Hudson Valley iCampus, commented on Pfizer's expansion, "Pfizer's announcement is exciting and is in line with our collaboration with Pfizer and our common goal in making the Hudson Valley iCampus a place where innovation thrives as it

is quickly becoming one of the Bio-Tech/Life Sciences hubs in the region."

The campus has previously served as Lederle Laboratories' R&D, laboratory, manufacturing and headquarters, dating to the early 1900s. The property

was later transferred to Wyeth Pharmaceuticals. Pfizer acquired Wyeth and the original 240-acre property in 2009 and sold 207 acres and 25 buildings to IRG in 2015.

Mr. Schwartz said that retailer Party City had recently

signed a lease for 57,000 square feet of warehouse space. Back in April, Momentive Performance Materials Inc. announced it will be relocating its operations in Tarrytown to nearly 67,000 square feet of space at the 207-acre Hudson Valley iCampus property here in 2023.

Momentive Performance, which is headquartered in Waterford, (Saratoga County) NY will relocate next year from its current space at 769 Old Saw Mill River Road in Tarrytown.

In June, Regeneron announced what many consider is the largest private corporate expansion project in Westchester County history. The company has already begun construction on its Parcel D expansion project at its headquarters campus property in Greenburgh that is valued at \$480 million. The Parcel D project involves the

Please turn to page 16

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Plan Would Generate \$15 Billion for Capital Projects

MTA Congestion Pricing Plan Sets Peak Tolls from \$9 to \$23

By JOHN JORDAN

NEW YORK—The details of the Metropolitan Transportation Authority’s long-delayed and controversial congestion pricing plan were unveiled on Aug. 10. The plan, which will now be the subject of public hearings later this month, calls for the implementation of peak tolls to enter Manhattan’s Central Business District ranging from \$9 to as high as \$23.

The plan, if approved, would help the MTA raise revenue of approximately \$15 billion to help fund its \$54.8-billion 2020-2024 Capital Program and future capital programs.

The Federal Highway Administration, New York State Department of Transportation, MTA Triborough Bridge and Tunnel Authority and New York City Department of Transportation released the Environmental Assessment of the proposed Central Business District Toll-



The plan, if approved, would help the MTA raise revenue of approximately \$15 billion to help fund its \$54.8-billion 2020-2024 Capital Program and future capital programs.

ing Program in Manhattan. The report studied a total of seven different tolling scenarios. Tolls would be charged to most vehicles once a day. Overnight tolls range from \$5 to as high as \$12, while off-peak tolls could run from \$7 to \$17.

There would be some discounts and extensions granted. For example, the report noted that there would be exemptions for qualifying vehicles transporting a person with disabilities and qualifying authorized emergency vehicles. In addition, residents whose primary residence is inside the Manhattan CBD and whose New York State adjusted gross income is less than \$60,000 would be eligible for a New York State tax credit equal to the amount of Manhattan CBD tolls paid during the taxable year.

The CBD subject to the congestion pricing plan consists of the geographic area of Manhattan south of and inclusive of 60th Street, not including the Franklin D. Roosevelt (FDR) Drive and the West Side Highway/Route 9A, the Battery Park Underpass and any surface roadway portion of the Hugh L. Carey Tunnel that connects to West Street (the West Side Highway/Route 9A).

The Environmental Assessment found the program would result in either beneficial effects or no adverse effects for the majority of topics studied, including regional air quality, regional transportation, and parking. Where potential adverse effects were identified, mitigation was provided.

The assessment found that 85% of existing work trips to the CBD are made by transit, 5% by car from New York City, 3% by car from New York suburban counties, 3% by car from New Jersey, 0.2% by car from Connecticut, and 4% by other modes, including taxis, for-hire vehicles, bicycling and walking.

“The tremendous detail included in this assessment makes clear the widespread benefits that would result from central business district tolling,” said MTA Chair and CEO Janno Lieber. “Bottom line: congestion pricing is good for the environment, good for public transit and good for New York and the region. We look forward to receiving public feedback in the weeks ahead.”

State Department of Transportation Commissioner Marie Therese Dominguez said, “The release of this Environmental Assessment is an important

step forward in this transformative initiative to help us reduce congestion in Manhattan’s central business district. I encourage everyone to attend the public hearings and provide feedback and comments, so that we can make improvements and deliver a comprehensive plan.”

New York City Department of Transportation Commissioner Ydanis Rodriguez added, “We must get congestion pricing done so we can invest in public transit, curb emissions, and reduce traffic, which has roared back to pre-COVID levels. This draft Environmental Assessment is the product of three years of detailed study and is a major milestone towards delivering congestion pricing for New Yorkers. We’re looking forward to hearing from the public during this important review process and we thank the MTA, state, and federal partners for their collaboration.”

Among the key findings of the assessment were:

- Implementation of tolls would achieve the purpose and need of the project—to reduce traffic congestion in the Manhattan CBD in a manner that will generate revenue for future transportation improvements.
- With initiation of the program, the number of vehicles entering the CBD would decline by 15.4% to 19.9%, depending on the tolling scenario. Traffic elsewhere in the region would change between—1.5% to 0.2%, depending on the location and the tolling scenario.
- Air quality would improve overall, with greater beneficial effects within and closer to the CBD.
- Reduction in traffic would result in increased reliability of bus service and
- Increase in transit ridership of 1% to 2%.

The project partners received more than 7,300 comments in early enhanced outreach as the Environmental Assessment

Please turn to page 21



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Attorney's Column

Court Reinstates Mechanic's Lien to Permit Exaggeration Counterclaim to Proceed

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

This column space has warned many times that it is always a bad idea to exaggerate the amount of a mechanic's lien. While the exaggerating lienor may succeed in getting the owner's or upstream contractor's attention, the negative boomerang effects—such as having the lien declared void, being prohibited any recovery on the contract, being forced to pay the costs and attorney's fees associated with the discharge of the exaggerated lien and, most importantly, being subject to an award of damages against the lienor in the amount of the exaggeration—greatly outweigh the shock value of a big number on the lien.

Contractors should be forewarned of the bitter penalties that can be imposed if they exaggerate a lien. Those on the receiving end of an exaggerated lien should also fight back.

There are instances where lienors try to have their proverbial cake and eat it too by

asserting an exaggerated lien, and then withdrawing the foreclosure claim in the face of the exaggeration counterclaim. In *Adria Infrastructure, LLC v Henick-Lane, Inc.*, an appellate court recently demonstrated the lengths that courts will go to prevent such chicanery, going so far as to not only deny a

refurbishing of the courthouse on Staten Island. In January of 2010, Henick-Lane contracted with Adria Infrastructure to provide needed plumbing, steamfitting, and like work for the project. In 2013, Adria filed a mechanic's lien against the project in the amount of \$742,651, and in 2015 it com-

was required in order to pursue the exaggeration counterclaim.

Background

Prior to 2010, Henick-Lane entered into a contract with Dormitory Authority of the State of New York to serve as the general contractor on a public works project for the

The State Legislature put in a safeguard in the form of an award against an exaggerating lienor of not only the attorney's fees incurred in discharging the exaggerated lien, together with the interest on monies deposited to discharge the exaggerated lien (or the premium for any lien discharge bond), but an amount of money equal to the amount of the exaggeration itself.

existing lawsuit to foreclose that lien.

In 2016, Adria successfully moved to reduce its lien to \$2,949,538, based on a prior partial settlement. After discovery (when it became readily apparent that the liens were willfully exaggerated), Adria released its liens and moved for leave to file an amended complaint to remove its cause of action to foreclose those liens. In response, Henick-Lane moved to void the release of lien, and reduce the amount of Adria's lien to \$0.

Decision

The court denied Adria's motion to remove its foreclosure claims, and granted Henick-Lane's motion to effectively reinstate Adria's lien at \$0 value. In doing so, the court cited well-settled law that although amendments to claims should ordinarily be freely granted, the purpose of the proposed amendment here was to evade the willful exaggeration claim—a result which the court would not countenance. Further, because the predicate of a successful willful exaggeration claim is the existence of a valid mechanic's lien, the court voided the release of lien and valued the lien at \$0 so that the willful exaggeration claim could proceed.

On Adria's appeal, the Appellate Division affirmed, finding, like the motion court, that the drastic remedies set forth in the Lien Law for a willfully exaggerated lien were “available only where the lien was valid in all other respects and was declared void by reason of willful exaggeration after a trial of the foreclosure action,” and that by releasing the lien, Adria attempted to deprive Henick-Lane of the ability to seek redress for the willful exaggeration.

Comment

Mechanic's liens are a powerful tool because they not only involve the upstream contractor who is not paying, but they also attach to either the title of the property itself, or the public funds held by the municipal owner. Accordingly, in order to prevent abuse of this powerful tool, the State

Legislature put in a safeguard in the form of an award against an exaggerating lienor of not only the attorney's fees incurred in discharging the exaggerated lien, together with the interest on monies deposited to discharge the exaggerated lien (or the premium for any lien discharge bond), but an amount of money equal to the amount of the exaggeration itself. While many exaggerating lienors try to avail themselves of the shock value of an exaggerated lien while later avoiding the ramifications, the Adria Infrastructure case is a reminder of the lengths to which courts will go to prevent such chicanery—even going so far as to reinstate a mechanic's lien for \$0 in order that a lien will be in effect at time of trial, as is necessary to allow the exaggeration claim to proceed.

Contractors should be forewarned of the bitter penalties that can be imposed if they exaggerate a lien. Those on the receiving end of an exaggerated lien should also fight back. Accordingly, one should consult with construction counsel to determine what legitimate methods are available to get an upstream contractor's or owner's attention, such as by also asserting a bond claim, by having a copy of the lien directed at the property's lender, or the like; or, alternatively, learn how to counter-attack the exaggerating lienor. Regardless, contractors must keep in mind that exaggerating a mechanic's lien is always a bad idea.

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, General Counsel to the Queens and Bronx Building Association, and an attorney and a partner with the firm, co-authors this series with Mr. Welby.



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Westchester Plans Aggressive Schedule for Road, Bridge, Wastewater Projects

Continued from page 1
was set to be let on Wed., Aug. 17. The contract, “HVAC Equipment Upgrades and Odor Control Improvements – Phase IV” at the Yonkers Joint Wastewater Treatment Plant, was moved up and is projected to cost between \$18 million to \$22 million.

This Phase IV work will include, but not be limited to replacement of the HVAC and Odor Control Systems; repairs and upgrades to the Sludge Loading Bay, including the concrete slab and ventilation duct registers; replacement of the scrubbers for the Primary Settling Tanks, and replacement of the Grit Tank wash-down system; and flood mitigation work resulting from the damage caused by Superstorm Sandy.

The largest dollar-volume bridge project scheduled in the fourth quarter is the replacement of a bridge on the Bronx River Parkway Bridge north of the County Center and three other spans over the Bronx River in the Town of Greenburgh and City of White Plains. The county has estimated that work is valued at more than \$8 million.

A few other significant projects to be let in the third and fourth quarters highlighted by Commissioner Greechan included a Domestic Water System Improvements project at Westchester County Airport that has a construction budget of \$12.9 million. The scope of the project that is scheduled to go out to bid in the fourth quarter of this year features the installation of a new

12-inch diameter water line on the north end of county airport and along New King Street in the Town of North Castle and two new associated Backflow Preventer Buildings.

Another significant project scheduled to be bid out in the fourth quarter is the Infrastructure Rehabilitation Phase 3 - Playland Park, which the county has budgeted at a little more than \$23 million. Work under this project will include the restoration of the Historic Dragon Coaster Station, Rye Playland’s two historic arcade buildings along with several Cross Axis Games and food structures. The operator of Rye Playland—Standard Amusements—is also planning significant improvement work at the park in 2023, he added.

He noted that all the projects scheduled to be bid for the remainder of 2022 have been bonded and are expected to begin in earnest in the spring of 2023.

All of those aforementioned projects would be performed under a project labor agreement (PLA) with the Building & Construction Trades Council of Westchester & Putnam Counties. He said a substantial number of all the contracts will be performed under a PLA and all contracts are subject to PLA conformity review.

As it has in the past, Westchester County is expected to pool together multiple projects to increase efficiency and secure savings in the final bid price from contractors, their subs and vendors.

AT-A-GLANCE
Work to be Let

Q3 2022

- HVAC Equipment Upgrades and Odor Control Improvements - Phase IV, Yonkers Joint Wastewater Treatment Plant, Yonkers, Construction Budget: \$22 million
- New Water Service, Kingsland Point Park, 299 Palmer Avenue, Sleepy Hollow, Construction Budget: \$910,000
- New Nature Center, Cranberry Lake Preserve, North Castle, Construction Budget: \$4.65 million
- Water Storage Tower Rehabilitation, County Water District No. 3, Town of Mount Pleasant, Construction Budget: \$9.28 million
- Rehabilitation of Commerce Street, C.R. No. 29 From Stevens Avenue to Liberty Street, a Distance of 1.23 Miles, Mount Pleasant, Construction Budget: \$4 million
- Roadway Resurfacing and Related Improvements, Woods Road (C.R. #300) and Hammond House Road/Sunshine Cottage Road (C.R. #301), a Total Distance of 2.25 Miles, Town of Mount Pleasant, Construction Budget: \$1.7 million
- Resurfacing and Related Improvements to East Main Street, C.R. #25 From North Division Street to Broad Street, a distance of 0.24 miles in the City of Peekskill, Construction Budget: \$730,000

Q4 2022

- New Maintenance Facility, Dunwoodie Golf Course, Yonkers, Construction Budget: \$3.3 million
- Replacement of the Bronx River Parkway Bridge (NB: North of the County Center BIN 3348670) and Three Over the Bronx River, Town of Greenburgh and City of White Plains, Construction Budget: \$8.065 million
- Rehabilitation of Midland Avenue, C.R.

#72, From Playland Parkway to the Port Chester/Rye Border Line, A Total Distance of Approximately 1.76 Miles, City of Rye, Construction Budget: \$3.65 million

- Rehabilitation of Parking Lots, Driveways, and Sidewalks, 85 Court Street, 112 East Post Road, 143 Grand Street, and the Michaelian Office Building, White Plains, Construction Budget: \$7.65 million

- Rehabilitation of Parking Lots, Driveways, and Sidewalks, 100 East First Street, Mount Vernon, New York and 450 Saw Mill River Road, Ardsley, Construction Budget: \$2 million

- Parking Facility Rehabilitation, Grasslands Campus - Armory/Public Safety Training Facility Central Heating Plant, New York Medical College, Operations Building, and Public Labs Building, Valhalla, Construction Budget: \$2.425 million

- Replacement of Underground Diesel Fuel Storage Tanks, Alphonse J. Cerrato Bus Maintenance Facility, 5 Walker Road, Grasslands Campus, Valhalla, \$930,000

- Rehabilitation of Lincoln Avenue, C.R. No. 84 From the New Rochelle/ Pelham border to First Avenue, a total distance of approximately 0.46 miles in the Village of Pelham, Construction Budget: \$1.93 million

- Domestic Water System Improvements, Westchester County Airport, towns of Harrison and North Castle and Village of Rye Brook, Construction Budget: \$12.9 million

- Infrastructure Rehabilitation - Phase 3, Playland Park, Rye, Construction Budget: \$23.15 million

- Replacement of HVAC Systems and Associated Work, Bee-Line Central Maintenance Facility (CMF), Yonkers, Construction Budget: \$1.975 million.





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New York State Earns ‘C’ for Infrastructure; Roads, Wastewater Pumps/Plants/Pipes a ‘D+’

Continued from page 1

mission-critical wharf structures, greatly exceeding financial resources. Passenger rail also faces severe maintenance shortfalls as Amtrak’s Northeast Corridor faces a \$38-billion backlog,” the report noted.

Water and waste management are also expected to cost the state billions in the years to come. “While the state has abundant freshwater resources, water and wastewater systems are among the oldest in the country, and many of New York’s dams were built before modern design standards. The 20-year need for drinking water is estimated at \$44.2 billion, and wastewater systems will require \$38 billion through the same period,” the report stated. “Discovery and regulation of new environmental contaminants will be a point of greater emphasis for water and wastewater systems in the future. Solid waste was found adequate, with approximately 16-25 years of available landfill capacity, but recycling lags behind the national average.”

ASCE’s Comments And Recommendations For New York State:

- ASCE applauded recent increases in infrastructure funding, but noted that the additional funding is short-lived. It noted today’s safety needs and tomorrow’s climate risk demand substantial, predictable and equitable funding sources. The gas tax, congestion pricing, and other fees deliver consistent support to transportation systems New Yorkers depend on, especially public transportation. More equitable infrastructure requires permanently strengthened funding methods. Transportation equity requires choice among universally affordable, accessible and high-performing travel options.

- Emerging from the COVID-19 pandemic, there are a variety of variables that impact daily lives that will continue to evolve and change. New York needs to reassess its infrastructure goals in light of new lifestyles, commuting patterns, and a changing climate.

- Progress has been made to increase the lifespan of infrastructure systems, and engineers are now designing assets to last between 75 and 100 years. However, more can be

done. Policy changes are needed that allow for the testing of new materials, utilization of new construction techniques, and broader adoption of alternative project delivery methods, including design-build.

- There is an acute shortage of agency staff with the skills and expertise to operate and

Half of the state’s roads are in fair or poor condition, 10% of its bridges are in poor condition. Reduced ridership during the pandemic has exacerbated revenue shortfalls for aviation and transit operations, leaving significant budget shortfalls looming.

maintain our infrastructure facilities, as well as manage and administer new projects. Workforce challenges present a major issue to many agencies and departments at the state and local levels, with retirements resulting in a loss of institutional knowledge and the effects of an evolving job market leave some agencies shorthanded. Expanded technical training and apprenticeship programs are needed to address the operational worker shortfalls and general STEM programming can help interest young New Yorkers in engineering and science fields from an early age.

Specific to the state’s D+ grade, the ASCE report noted that the state has more than 17,500 road and highway bridges, carrying 176 million vehicles/day. Almost 10% of the state’s bridges are in poor condition, which is above the national average; and 637 bridges are posted for less than legal loads. “The federal Infrastructure Investment and Jobs Act, coupled with the subsequent 2022 New York State Budget will go a long way to addressing the state’s bridge needs, but we still fall short of the total need,” the report concluded.

The ASCE’s recommendations for the state to raise its bridges grade include:

- All bridge owners should embrace Life Cycle Costs (LCC) in making their bridge decisions. Encourage local agencies to bundle bridge projects together to gain efficiencies in cost and schedule

- Continue advancing alternative delivery methods in an economically efficient manner. Optimize design, construction and materials practices that embrace the LCC approach.

- Encourage coordination among bridge owners to identify and implement proactive best management practices for

preventative maintenance.

- Bridge funding needs to find creative financing sources to overcome the chronic underfunding.

- It is imperative, regardless of the funding sources, that viable multi-year “living” maintenance and capital programs are a management priority.

- Educate all stakeholders on the state and local level of the critical value that proactive and routine maintenance provides in economically extending the life of our bridge investments. Maintenance should no longer be the first thing cut when dollars become tight—the opposite should be true.

- Address the “orphan bridge” issue. For example, numerous historic steel truss bridges, of significant civil engineering historical value and on the state historic register, are in danger of being lost forever due to prolonged ownership and maintenance squabbles between railroad agencies, state agencies and local governments. A similar situation has evolved in the Ausable Chasm area where two large historic bridges are closed, impacting the local economy and quality of life for residents, and imposing potential safety risks as conditions worsen.

- Initiate a statewide study in 2022 that assesses the impact of the COVID-19 pandemic, such as working and shopping from home, will affect travel patterns and the number of trucks on state and local roads in the years ahead.

- Transparency in the reporting of transportation agency data in a timely fashion to all stakeholders is imperative.

- State transportation agencies should start rebuilding their in-house staff. The loss of institutional knowledge, and the lack of qualified personnel to perform essential duties that

the public and policymakers about the value and true cost of water. Access to reliable and safe water requires effort, expense, and infrastructure. Current New York State water rates do not reflect the true cost of reliably conveying and treating water. Replacing antiquated pipes and treatment equipment will require significant local investment, and users should be aware of what their water rates will fund. Rates have often been kept artificially low at the expense of taxpayers and at the detriment of the systems.

- **Increase Funding Opportunities for Water Main Replacements and Tax Exemption for Large Projects:** Projects that are centered around replacing deficient or functionally obsolete water mains do not typically score well with funding agencies. There should be a metric or a separate funding arm of the New York State Environmental Facilities Corporation Drinking Water State Revolving Fund (NYSEFC DWSRF) that goes directly for replacement of water mains of all sizes.

Promote tax cap exemption for water infrastructure programs so communities can fund projects at the necessary levels.

- **Implement an Engineering Planning Grant (EPG) Program Through NYSEFC DWSRF Program:** This “EPG” Program has proved successful for the NYSEFC Clean Water State Revolving Fund (CWSRF) Program in that it awards grants to fund engineering reports for a given utility. These engineering reports are the baseline for applying for larger grants and low-interest funding programs. These reports often help offset the technical and managerial capacity limitations of smaller utilities.

- **Provide Additional Incentive Programs for Small Utility Systems to Consolidate Into Existing or Proposed Utility Authorities:** Increased regulations, asset management/infrastructure planning, etc., puts an increasing burden on small systems with limited resources. Pooling resources and expanding the rate base make funding more achievable and improves technical and managerial capacity.

ALBANY UPDATE

State Approves Transmission Line Projects

ALBANY—The New York State Public Service Commission approved on Aug. 11 rebuilding a critically important 100-mile transmission line in the North Country that is needed to meet the requirements of the Climate Leadership and Community Protection Act. The project, known as Smart Path Connect, represents an upgrade to the transmission backbone system of New York that will improve reliability throughout

the state. It will complement the previously approved Smart Path and AC Transmission projects and it will reduce congestion and curtailments currently impacting renewable generation and reduce the costs of delivered power for customers. The Smart Path Connect project will eliminate existing curtailments and provide congestion cost savings of more than \$447 million.

The North Country trans-

mission line is owned and operated by the New York Power Authority (NYPA) and National Grid. The project consists of rebuilding approximately 100 miles of existing 230 kilovolt (kV) transmission lines to either 230 kV or 345 kV along with associated substation construction and upgrades along the existing right-of-way in Clinton, Franklin, St. Lawrence, Lewis and Oneida counties.

The project includes rebuilding all or parts of: NYPA’s Moses-Willis 1 & 2 lines, NYPA’s Willis-

Patnode and Willis-Ryan lines; and National Grid’s Adirondack to Porter line, the extension of the existing 230 kV Rector Road to Chases Lake Line 10, as well as connecting to NYPA’s Smart Path (also known as Moses-Adirondack 1 & 2 or MA 1 & 2) right-of-way. The project is needed to realize the potential for renewable energy development in Northern New York.

In addition to approving the Smart Path Connect project, the PSC in separate but related actions decided the following

projects with impacts in the Hudson Valley region:

- **Central Hudson:** Approved construction of Central Hudson Gas and Electric Corporation’s transmission line known as the H&SB project, which calls for rebuilding 23.6 miles of transmission lines in the City of Kingston, and Towns of Ulster and Saugerties in Ulster County, and the Town of Catskill and Village of Catskill, Greene County. The rebuild will help meet the energy needs of local

Please turn to page 21

Report Promotes P3 to Fix LI's 'Blood Alley'

MELVILLE, NY—The Long Island Contractors' Association (LICA) and New York State Rep. Michaelle Solages (D-Valley Stream) released a report in August on the use of Public-Private Partnerships (P3s) in U.S. highway and bridge construction, with a possible application for the Southern State Parkway on Long Island.

The parkway, specifically the 10-mile stretch between Exit 17 in Malverne and Exit 32 in Farmingdale, nicknamed "Blood Alley" due to its hazardous conditions, which include sharp curves, short acceleration and deceleration ramps, the profusion of smaller exits, and the proximity of three major intersecting north-south highways, has long been cited as in dire need for safety improvements.

The study suggests considering a High Occupancy Toll (HOT) lane throughout the 25-mile corridor and rebuilding the roadway to today's engineering safety specifications to remedy the needs.

"I am proud to support the release of this study, especially because I believe the data presented will save lives. The traffic crush that occurs on the Southern State Parkway simply cannot be left as is. We must act for families across Long Island. This report provides a future roadmap to successful change," said Assemblywoman Solages.

"As the study shows, New



Despite some improvements, the design of the Southern State Parkway is largely unchanged since the first section opened in 1927, when it was built to improve beach access for automobiles traveling 35 miles per hour.

York, as well as many other states, have had successful P3's that deal with major transportation needs. The Southern State Parkway should be next. Not only would potential improvements to the SSP save lives, but the work to improve conditions would create good jobs and improve traffic across Long Island. This is the sound kind of infrastructure investment we need," said LICA Executive Marc Herbst.

Despite some improvements, the design of the parkway is largely unchanged since the first section opened in 1927, when it was built to improve

beach access for automobiles traveling 35 miles per hour. The evolution of Long Island has increased this number to 200,000 daily commuters which puts their safety at risk as well as resulting in staggering wear and tear that make the parkways nearly impossible to maintain, compounding safety risks. LICA commissioned the American Road and Transportation Builders Association (ARTBA), a Washington, DC-based advocate for infrastructure and policy, to conduct the study. The report provides a market overview of U.S. highway and bridge public-private

partnerships. It concludes with a suggested application that would help address the safety and congestion issues Long Islanders face while traveling the Southern State Parkway.

"ARTBA was proud to once again partner with LICA to produce this economic study. The data we found speaks to the drastic need for a creative solution to solve the Southern State Parkway's many issues. A P3 relationship, like those that have existed across the country, would provide the opportunity to reduce traffic and safety issues, while increasing efficiency in travel, in a sustain-

able economic way," said Alison Black, ARTBA's senior vice president & chief economist.

There have been 15,768 accidents on the Southern State Parkway resulting in property damage, 8,443 resulting in injury, and 78 resulting in death occurred between 2012 and 2019, according to data obtained from the NYSDOT. The parkway handles nearly 200,000 vehicles daily in Nassau County.

The report details case studies of other private investment on similar projects across the country. The use of a P3 could help fund the parkway's reconstruction with a funding stream supported through a HOT lane. Similar to High Occupancy Vehicle (HOV) lanes, such as the one along the Long Island Expressway, the HOT lane would include tolling that may adjust pricing based on congestion levels, with the existing six-lanes remaining toll-free.

Among nine similar P3 projects profiled in the report, the average cost was \$1.62 billion (ranging from \$554 million to \$2.88 billion) and the average length of construction was 4.4 years (ranging from 2.3 to seven years). Every \$1 billion of highway and transit investment supports 13,000 jobs for one year, according to FHWA's most recent estimate. More than half of the employment impact often occurs outside of the construction industry due to indirect and induced effects.

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Regional Bid Alert

NYSDOT - Region 8

Bid Letting Date: Sept. 1, 2022

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

Contract# D264853
PIN# 876232

Project Description: Orange Co., culvert replacement, Lower Rd. (CR12) /tributary to Wallkill River, Town of Waywayanda.

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

Goals: MBE: 8.00%, WBE: 15.00%, SDVOB: 6.00%

Bid Letting Date: Sept. 1, 2022

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

Contract# D264862
PIN# 881418

Project Description: Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., highway where & when, various locations.

Bid Deposit: 5% of Bid (~ \$125,000.00)

Goals: MBE: 5.00%, WBE: 10.00%, SDVOB: 0.00%

NYSDOT - Region 10

Bid Letting Date: Sept. 1, 2022

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

Contract# D264796
PIN# 0PRB22

Project Description: Suffolk Co., park and ride and bikeway maintenance, various locations, no plans.

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

Goals: MBE: 5.00%, WBE: 10.00%, SDVOB: 6.00%

Bid Letting Date: Sept. 1, 2022

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

Contract# D264854
PIN# 081033
F.A. Proj.# Y230-0810-333

Project Description: Suffolk Co., preventive maintenance drainage contract, various locations.

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

Goals: DBE: 10.00%

New York State Dormitory Authority

Bid Due Date: Aug. 30, 2022

Title: City University of New York, New York City College of Technology G- Building Façade Restoration and Associated Asbestos Abatement

Contract: CR4 General Construction

Project# 3690709999

Project Description: Sealed bids for the above work located at New York City College of Technology, 55 Johnson Street, Brooklyn, New York 11201 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS – DOMINICK DONADIO." DASNY will not be responsible for receipt of bids which do not comply with these instructions. 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 August 30, 2022 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: Michael Costache, Sr. Project Manager, 186 Jay Street, Brooklyn, New York 11201, 917-299-3863, mcostach@dasny.org (the Owner's Representative) and DASNY at ccontracts@dasny.org. Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting was scheduled on Thursday, August 11, 2022, at 10:00 AM at 55 Johnson Street, Brooklyn, New York 11201. Contact Michael Costache at 917-299-3863. 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 June 17, 2021 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 June 17, 2021 that contain significant revisions from those documents previously contained in DASNY's Contract Documents. Prospective bidders are further advised to review applicable sections of these General Conditions for any potential impact on their bid price prior to submittal of the bid. The plan holders list and a list of interested subcontractors and material suppliers may be viewed at DASNY's website: <http://www.dasny.org>. For Bid Opportunities and other DASNY related news, follow us on Twitter @NYS_DASNY and Facebook <https://www.facebook.com/pages/DASNY-Dormitor-Authority-of-the-State-of-New-York/307274192739368>.

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

Bid Due Date: Aug. 30, 2022

Title: City University of New York, New York City College of Technology, Namm Hall LL11 Façade Repairs and Associated Asbestos Abatement

Contract: CR140 General Construction

Project# 3454809999

Sealed bids for the above work located at New York City College of Technology, 300 Jay Street, Brooklyn, New York 11201 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS – DOMINICK DONADIO." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

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 August 30, 2022 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: Michael Costache, Sr. Project Manager, 28 Liberty Street, 55th Floor, New York, New York 10005, 917-299-3863, mcostach@dasny.org (the Owner's Representative) and DASNY at ccontracts@dasny.org. Contacts made to other DASNY personnel regarding this procurement may disqualify the prospective bidder and affect future procurements with governmental entities in the State of New York. For more information pursuant to this law, refer to DASNY's website; <http://www.dasny.org> or the OGS website; <http://www.ogs.state.ny.us>.

A Pre-Bid Meeting was scheduled on Thursday, August 11, 2022, at 11:00 AM at 300 Jay Street, Brooklyn, New York 11201. Contact Michael Costache at 917-299-3863 regarding the building access. A valid vaccination card and ID are required. 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 June 17, 2021, 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.

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Bid Due Date: Sept. 13, 2022

Title: Governor's Office of Storm Recovery, Addabbo Family Health Center, Storm Hardening and Associated Asbestos Abatement

Contract: CR25 General Construction

Project# 3314409999

Sealed bids for the above work located at Addabbo Family Health Center, 120 Richards Street, Brooklyn, New York 11231 will be received by DASNY at its office located at 515 Broadway, Albany, NY 12207. Each bid must be identified, on the outside of the envelope, with the name and address of the bidder and designated a bid for the Project titled above. When a sealed bid is placed inside another delivery jacket, the bid delivery jacket must be clearly marked on the outside "BID ENCLOSED" and "ATTENTION: CONSTRUCTION CONTRACTS – DOMINICK DONADIO." DASNY will not be responsible for receipt of bids which do not comply with these instructions.

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 September 13, 2022 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: Mark Igel, Sr. Field Representative, 186 Jay Street, Room 220, Brooklyn, New York 11201, 518-641-2781, migel@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 for Tuesday, August 23rd, 2022, at 10:00 AM at 120 Richards Street, Brooklyn, New York 11231. Contact Mark Igel at 518-641-2781. 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 June 17, 2021, 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 June 17, 2021 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>.

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

Mid-Hudson Politicos Slam MTA's Congestion Pricing Plan

By JOHN JORDAN

NANUET—A group of Rockland County politicians, including County Executive Ed Day, spoke out against the controversial Congestion Pricing Plan released by the MTA and other transit agencies.

At a press conference staged at the Nanuet train station on Aug. 10, Mr. Day, State Assemblyman Michael Lawler, MTA Board Member Frank Borelli and 38th State Senate District Candidate Bill Weber, criticized the MTA and New York State over the Congestion Pricing Plan. They cited the MTA for poor service in Rockland County and charged that Rockland commuters could be paying an additional \$9 to \$23 to drive into the Central Business District of Manhattan.

"Connecticut residents get better service than New York State's Rockland and Orange residents," said Rockland County Executive Day. "Despite everything we contribute, we are never on the receiving end of these capital program investments and that needs to change now."

They charged that many Rockland County residents are forced to drive into Manhattan due to the scarcity of transit options and noted that the MTA offers Rockland County commuters sub-par, and often unreliable, rail service operated by NJ Transit via contract with Metro-North.

They also charged that Rockland County is the only county in the MTA region that has a value gap and a recent study placed that gap at about \$40 million each year and growing. The last service increase made on the Pascack Valley Line was in 2007 and since then Rockland has only seen service cuts and higher fares, they complained.

"Two years ago, I introduced legislation in the State Legislature, Bill A.7750, to repeal congestion pricing because it is a direct tax on suburban communities and because Rockland County and West of Hudson rail service has rapidly declined in recent years," said Rep. Lawler, who is also running for Congress this fall. "I'm proud to work with Ed, Frank, and all those who are opposed to this absurd congestion pricing plan which will add yet another cost on our already-overburdened taxpayers here in Rockland."

Mr. Day also complained that the MTA established its Traffic Mobility Review Board without any representation of MTA's West of Hudson service region.

"Even more abhorrent, the public hearings on the matter are being held during the last week of August, making it clear the MTA is trying to push this plan through at a time when most people may not be paying attention or able to attend," Mr. Day added. "Hear this—Rockland is paying attention."

Mr. Borelli of the MTA Board also complained about the lack of Rockland County representation on the Traffic Mobility Board. "I vehemently opposed it and will continue to do so unless Rockland County residents receive some benefit, including a one-seat ride into New York City, from this congestion pricing scheme. The fact is that Rockland County has been shortchanged hundreds of millions of dollars over the course of the past decade, and this only accelerates that gap between taxes collected and services received."

Orange County Executive Steve Neuhaus also criticized the MTA Congestion Plan. In a prepared statement to *CONSTRUCTION NEWS*, Mr. Neuhaus stated, "Congestion pricing is discriminatory to

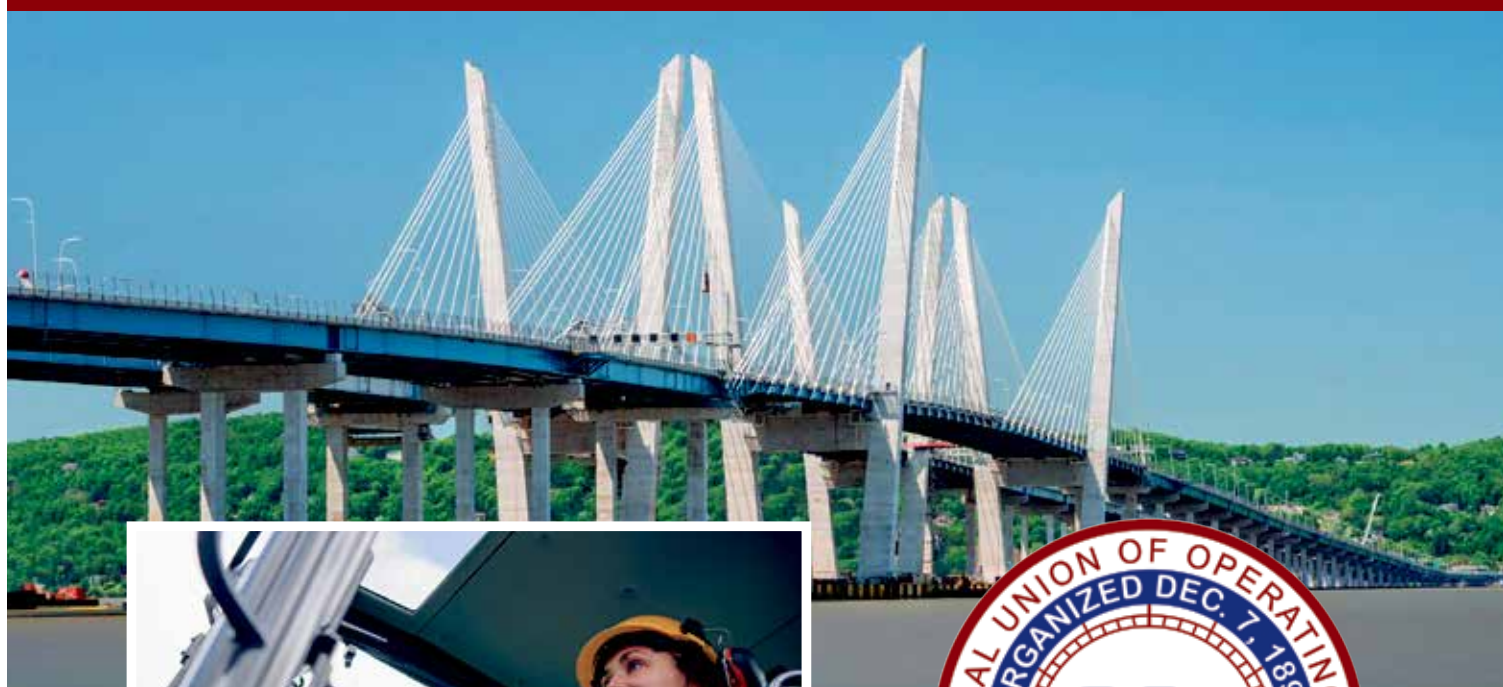
Please turn to page 22



'We're Against It'

New York State Assemblyman Mike Lawler, at the podium, was joined by, from left, Rockland County Executive Ed Day, to criticize the MTA Congestion Pricing Plan at a press conference held at the Nanuet train station. Also pictured are MTA Board Member Frank Borelli and State Senate Candidate Bill Weber, far right.

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GREG LALEVEE

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Business Manager, Local 825

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Next Gen Leaders



Profiles of the Industry's New Generation



Justin Campbell

AGE

22

ACHIEVEMENT AND YEAR

CAI (Construction Advancement Institute) Scholarship
2018, 2019

CURRENT EMPLOYMENT

Sienna Environmental Technology, Buffalo, NY –
Environmental Consultant

ON THE CHOICE OF PROFESSION

Growing up, I did a lot of home projects with my dad. And enjoyed always learning something new. I wanted to go into management. I was in Civil Air Patrol where I learned core values of integrity, respect and leadership. So putting these lessons together with construction, I came up with Construction Management.

BIGGEST CHALLENGES TO JOB

Working with contractors to make sure the project goes smoothly and is done correctly.

SURPRISES UPON ENTERING THE FIELD

I didn't expect to enjoy consultant work as much as I do.

EDUCATION

BS Construction Management 2020,
Alfred State College of Technology, Alfred, NY

FAVORITE COURSE

Estimating. I like working with numbers.

INSPIRATION

My dad. I wanted to be like him; especially in the way he did things. He was a good role model for me growing up.

WORDS OF WISDOM

To have humility and be a "people person."
There's a lot you can learn from those you meet, whatever their position.

GREATEST ACCOMPLISHMENT

My projects so far have not been that big, but I would say my inspection work.

GOALS

To be in Project Management. I enjoy the consultant work that I now do but want to get back to active construction work.

OUTSIDE INTERESTS

Hiking, target practice with my bow, sometimes shoot with my .22. I also do a lot of woodworking. I like to make trinkets and toys for my nieces and nephews.

RELATIONSHIP TO CAI

Justin is the son of an associate of the BCA-member company, LeChase Construction Services, LLC, of Armonk, NY.

—Alan Kennedy, Researcher and Writer

ABOUT THE BCA/CAI SCHOLARSHIP

Since its inception in 2009, the Building Contractors Association/Construction Advancement Institute College Scholarship Program has awarded more than \$460,000 to 62 students enrolled at more than 40 colleges and universities throughout the U.S.

BCA/CAI SCHOLARSHIP COMMITTEE

Dominic Calgi
Calgi Construction Co., Inc.

Mark Fante
Darante Construction Ltd.

Laurel Brunelle, CAI

Jay Martino
Martino Contractors, Inc.

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F. Matthew Pepe, BCA

Fred Sciliano
LeChase Construction
www.caiwestchester.org

CAI Awards \$65,000 in College Scholarship Grants

13 Scholars from the Hudson Valley Region Enrolled in STEM Subjects

TARRYTOWN, NY—As part of its mission to enhance the professionalism of the building and construction industries in the Lower Hudson Valley, the Construction Advancement Institute (CAI) this month awarded \$65,000 in grants to 11 regional undergraduate students and two graduate students who are enrolled in Engineering, Architecture, Construction Technology, Construction Management or other related hard-science (STEM) programs this fall. CAI is the educational and advocacy organization aligned with the Building Contractors Association of Westchester & The Mid-Hudson Region, Inc.

The CAI Scholarship Committee reviewed more than two dozen scholarship applications, school transcripts and essays in August, explained CAI Chairman Mark Fante of Darante Construction Ltd. of Elmsford, NY. The awards to the 13 recipients are \$5,000 grants for use during the current 2022-23 academic year.

"The money our industry raises and disburses for college scholarships is one of several annual charity efforts performed by members of the construction contracting community and aligned labor unions to benefit families and schools both in the Hudson Valley region and nationwide," Mr. Fante said. "Our goal is to strengthen the ranks of engineers and technologists employed at the companies that are members of our association. It's one more way the BCA works to keep our member companies competitive and keep our local economies growing."

At an awards luncheon held Aug. 4 in Elmsford, NY, Mr. Fante presented a profile of the program since its inception in 2009. Among the findings, 54% of CAI grant recipients have or are now attending state institutions vs. 46% going to private colleges and universities. Some 57% attend in-state programs vs. 43% out of state. The top major fields of study, in order, are: Civil Engineering, Electrical Engineering, Construction Management, Mechanical Engineering, Architecture and Mathematics.

BCA Executive Director Matt Pepe also noted that students in Junior and Senior years (46%) received nearly equal scholarship support with students who are Freshman and Sophomores (47%), with the 7% going to graduate students.

Since its inception, the CAI Scholarship Program has awarded 106 grants to 62 students at more than 40 colleges and universities throughout the U.S. This year's grant award of \$65,000 also lifts the total scholarship awarded by CAI to \$464,000 since its inception 14 academic years ago, when six grants were bestowed.

The following scholars were chosen from more than two-dozen applicants who applied for and were carefully considered by the CAI Scholarship Committee. They are:

Nicola Altomare, 22, of Yonkers, NY, is attending the Graduate School at the Rensselaer Polytechnic Institute in Troy, NY. Nicola is pursuing a degree in Electrical Engineering. He is the grandson of a member of the



Class of 2022

CAI scholarship recipients and committee members at an awards luncheon in early August. Seated from left, Wyatt Yates, Nicola Altomare, Andrew Fortunato, Guiliana Piazza, Massimo Fante, Cooper Mistishin and Valeriy Borkun. Standing, Ross Pepe of the BCA, grant recipient Joseph Piazza, BCA General Counsel Thomas Welby, Esq., BCA Chairman Fred Sciliano of LeChase Construction Services, CAI Chairman Mark Fante of Darante Construction, Ltd., Dominick Calgi of Calgi Construction Company, Jay Martino of Martino Contractors Inc., Jonathon Wohl of Wohl Diversified Services, grant recipient Mark Griffin and Matt Pepe of the BCA. (Not pictured, grant recipients Taylor Bruck, Daniella Mulvey, Nicholas Mulvey and Anthony Sanseverino.)

Bricklayers & Allied Craftworkers Local 1NY.

Valeriy Borkun, 20, of White Plains, NY, is a sophomore, who will be attending CUNY Queens College. Valeriy is pursuing a degree in Economics and Construction Management. He is the son of an employee of BCA member company LeChase Construction.

Taylor Bruck, 20, of New Paltz, NY is a junior attending SUNY@Binghamton, NY. Taylor is pursuing a degree in Computer Science. She is the daughter of a member of International Union of Operating Engineers Local 137.

Massimo Fante, 20, of Sleepy Hollow, NY, is a junior attending Cornell University in Ithaca, NY. Massimo is pursuing a degree in Biological Sciences. He is the son of BCA member company Darante Construction, Ltd.

Andrew Fortunato, 18, of Fairfield, CT, is a freshman who will be attending Bates College in Lewiston, ME. He is pursuing a degree in mathematics/economics. He is the grandson of a member of International Union of Operating Engineers Local 137.

Mark J. Griffin, 20, of Yonkers, NY, is a junior who attends the New York State University of Buffalo. Mark is pursuing a degree in Aerospace Engineering Mechanical Drawing. He is the son of an associate of the BCA-member company Yonkers Contracting Co.

Cooper Mistishin, 20, of Lake Ariel, PA, is junior who attends Rochester Institute of Technology in Rochester, NY. Cooper is pursuing a degree in Software Engineering. He is the son of a BCA-member company Peckham Industries.

Daniella Mulvey, 22, of Valhalla, NY, is attending graduate school at the University of Pennsylvania Stuart Weitzman School of Design in Philadelphia. Daniella is pursuing a Masters degree in Architecture. She is the daughter of a BCA-member company Stratis Contracting Corp.

Nicholas Mulvey, 19, of Valhalla, NY, will be attending Bucknell University in Lewisburg, PA. Nicholas is pursuing a degree in Civil Engineering. He is the son of a BCA-member company Stratis Contracting Corp.

Giuliana Piazza, 20, of Valhalla,

executive of a BCA-member company Piazza, Inc.

Joseph Piazza, 19, of Valhalla, NY, is freshman who will be attending the University of Miami in Coral Gables, FL. Joseph is pursuing a degree in Engineering. He is the son of an executive of a BCA-member company Piazza, Inc.

Anthony Sanseverino, 21, of Poughkeepsie, NY, is a senior who will be attending the Georgia Institute of Technology in Atlanta, GA. Anthony is pursuing a degree in Civil Engineering. He is the son of a member of the International Union of Operating Engineers Local 137.

Wyatt Yates, 20, of Chappaqua, NY, is a junior who is attending Virginia Tech in Blacksburg, VA. Wyatt is pursuing a degree in Industrial Design. He is the grandson of a member of Carpenters Local 279.

For additional information

and to request an application for next year's grants opportunities, please contact Laurel Brunelle at 914-631-1033 or laurel@bcany.org.



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Topic: Hudson Valley Infrastructure Gap

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Safety Watch

Beware When Outsourcing Inspections For Equipment Maintenance to Third Parties

By COSTAS CYPRUS, ESQ.

The matter of *Secretary of Labor v. Henkels & McCoy, Inc.* demonstrates how companies must heed their equipment's manuals and be aware of the scope and extent of services provided to them from third parties to ensure proper equipment maintenance. This matter arose from a workplace tragedy involving a crew leader who was operating an improperly maintained digger derrick. The crew leader was an employee of Henkels & McCoy, Inc. (H&M), which performs general utility maintenance. The underlying incident occurred on May 2, 2018, in Jacksonville, FL where the crew leader and an apprentice were assigned to remove a utility pole when he was fatally injured.

H&M utilizes digger derricks for utility pole installation and removal. The digger derrick has a flatbed equipped with a boom and operator's chair that sits atop a pedestal, which is attached to the truck's



that it was not performing torque testing.

On the incident day, the crew leader was operating one of H&M's digger derricks from the operator's chair, while the apprentice was working on the ground when they both heard a "creak." The crew leader stopped operating the digger derrick. Upon investigation, the apprentice found that one of the bolts had "sheared off" and was on the bed of the truck. The apprentice proceeded to check the other bolts and then

As a preliminary matter, the commission found that the manufacturer's recall notice as to the digger derrick's bolts had no bearing on the Secretary's allegation in the citation as to H&M's lack of maintenance of the digger derrick's bolts to ensure that they are properly torqued. Therefore, it proceeded to analyze each element of the alleged violation with respect to the conditions as set forth in the citation, not in terms of the incident or design defect.

The commission found that a hazard existed as indicated by the existence of the manufacturer's decal and as per the testimony of the Secretary's expert who opined that failing to torque test the bolts could result in fatigue failure, which could cause the bolts to "back out and fall out" from the connection and eventually cause the digger derrick to collapse. The existence of the manufacturer's decal prominently displayed on the equipment and its inclusion in the manual was sufficient to establish industry recognition

of the hazard. The Secretary further alleged that there existed a feasible method for abatement of the hazard by

Upon resumption of work, the apprentice heard sounds and jumped off the truck and thereafter saw the boom falling and the crew leader being ejected from the operator's chair to the pavement below. He would tragically succumb to his injuries.

torque testing the bolts, which as per their expert would uncover "worn out or deformed bolts" for replacement in a safe and controlled environment given that the manual called for replacement of all bolts if one breaks during testing.

The commission also found that H&M had constructive knowledge of the hazard since H&M could have known

about the condition through reasonable diligence. The Secretary argued that H&M failed to exercise reasonable diligence as they never required Diversified to torque test the bolts during inspection nor did they negotiate a price for that service. Further, the 2016 agreement between the companies did not include the service and in the months leading to this incident, Diversified's reports specifically stated they were not performing such testing.

Although H&M argued that the torque testing disclaimer was self-contradictory because these reports stated that the inspections were performed in accordance with ANSI and OSHA

standards, which would have included torque testing, the commission found that although "the evidence relating to Diversified's relationship with H&M and torque testing is not a model of clarity" it could have known that Diversified was not performing torque testing with the exercise of reasonable diligence. H&M had

Please turn to page 22

The Commission also found that H&M had constructive knowledge of the hazard since H&M could have known about the condition through reasonable diligence.

frame and chassis. The digger derrick has 18 rotation bearing mounting bolts that connect the gear ring, on which the operator's chair and boom sit, to the flange atop the pedestal. The digger derrick's manufacturer in its manual instructs owners to conduct annual torque testing with a calibrated torque wrench. A warning decal is also prominently placed on the pedestal repeating this instruction and warning that failure to inspect and properly torque the rotation bearing mounting bolts can cause structural failure and lead to death or serious injury.

H&M mechanics used to perform inspections of the company's digger derricks that also included torque testing. However, in 2007, H&M entered into an agreement with third-party contractor, Diversified Inspections/ITL Inc. to provide semi-annual inspection services on the digger derricks. From 2011 to 2016, the companies further engaged in agreements setting forth the scope of Diversified's inspections. Upon inspection, Diversified would complete a report noting any issues with the equipment and forward to H&M. In February 2018, Diversified's inspection reports began including a disclaimer

informed the crew leader that they were tight. Upon resumption of work, the apprentice heard sounds and jumped off the truck and thereafter saw the boom falling and the crew leader being ejected from the operator's chair to the pavement below. He would tragically succumb to his injuries.

OSHA investigated the incident and issued a citation alleging a serious violation of the Occupational Safety and Health Act's general duty clause for exposing an employee to struck-by and crushing hazards by failing to properly maintain the digger derrick's bolts. Although, an Administrative Law Judge vacated the citation, the Administrative Law Commission reversed the decision, affirmed the citation and assessed a penalty of \$12,934.

To prove a violation of the general duty clause, the Secretary (of Labor) must establish the following four elements: (1) a condition or activity in the workplace presented a hazard; (2) the employer or its industry recognized the hazard; (3) the hazard was causing or likely to cause death or serious physical harm; and (4) a feasible and effective means existed to eliminate or materially reduce the hazard.



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Economic Outlook

NYC's Office Market Has Not Yet Stabilized

By MICHAEL J. PATON

In the broad sense, the combined economic pressures from high inflation and rising interest rates, when coupled with the experimentation of hybrid work, continues to cause a wave of uncertainty surrounding long-term office space requirements, according to a recent JLL office-real estate report.

The report by the brokerage firm expects that this trend will drive the need for greater flexibility in lease structures to ease concerns of committing to either a shortage or surplus of office space. Select high-growth companies that rapidly expanded throughout the pandemic may scale back on growth plans in the



In New York City, the largest office market in the nation, office occupancy rates have ticked up modestly since the first quarter of 2022, according to brokerage firm Cushman and Wakefield, as companies have grappled with return-to-

million square feet year-to-date. Market activity stood 30% below pre-pandemic levels, but has gained momentum compared to the first half of 2021, increasing by 58%.

As companies have made lease commitments, an increasing number of tenants relocated to better quality offices or expanded their footprints within their existing buildings. Relocations and expansions accounted for 55% of total leasing activity in the second quarter, compared to 40% pre-COVID. The largest leases signed during the quarter reflected this shift, including Meta's (a.k.a. Facebook) expansion of 300,000 sq.ft. at 770 Broadway, as well as HSBC's leasing of 265,000 sq.ft. at 66 Hudson Blvd. and Macquarie's leasing of 221,000 sq.ft. as the anchor tenant at 660 Fifth Ave.—both of which were U.S. headquarters relocations. Manhattan office vacancy reached its highest level recorded in more than two decades at 15.8%, primarily driven by large occupier withdrawals within the tech and creative industries.

On a more positive note, Cushman & Wakefield also

found New York City is a rapidly growing recipient of life sciences investment capital, with venture capital funding in 2021 climbing to \$6.2 billion—the highest level on record and

1.0% per year, while life sciences employment has increased by 6.6% per year on average. The top 10 life sciences metro areas account for 45% of the U.S. life sciences talent pool led by Boston, NYC-NJ, San Francisco, Philadelphia and San Diego.

Investors and developers worldwide continue to grow their presence in NYC as it has one of the most educated and diverse talent pools in the nation along with first class academic and medical institutions and premier venture capital ecosystems. Since 2001, New York has experienced a 144% increase in life sciences employment, with the employment and talent pool reaching 58,200 current and potential employees.

Looking at New York City's overall economy, total employment has reached about 4.5 million jobs, the highest level recorded since the beginning of the pandemic. But the big news is in New York City's multifamily markets: the flip side is that inflation has put upward pressure on residential rents. According to Douglas Elliman, rents in Manhattan are reaching new highs due to high demand and the steep rise in inflation with a median rental price of \$3,700 and \$80.66 per square foot, a 24 % increase in rent across New York City. Consequently, economists expect predominantly free-market and luxury residential rental buildings in New York City to remain attractive throughout the year as rents and rates balance each other.

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

New York City's total employment has reached about 4.5 million jobs, the highest level recorded since the beginning of the pandemic.

latter half of the year as they brace for potential headwinds. The flight-to-quality, mainly within a five-minute walking distance to major transit hubs, will continue to be a key driver of demand.

office plans while also focusing on talent attraction and retention. Transaction volume has remained steady since the first quarter as 5.4 million square feet was leased in the second quarter of 2022, totaling 11.5

New York City is a rapidly growing recipient of life sciences investment capital, with venture capital funding in 2021 climbing to \$6.2 billion—the highest level on record and a 52.6% increase over 2020.

a 52.6% increase over 2020. Growth in the life sciences sector has directly translated into increased demand for lab space across major markets including NYC. The life sciences industry has steadily expanded its footprint in NYC over the past several years with state and city incentives continuing to encourage developers to build labs for medical research. In 2021, the city government announced a doubling of its investment into the sector—\$1 billion—to accelerate its growth: \$430 million for new laboratory and incubator construction; \$450 million for non-profit facilities; and \$20 million for internship programs and start-up ventures. Within the next five years, Cushman & Wakefield expects 2.6 million square feet of life sciences space to be delivered, including Alexandria Center's North Tower, Botanic Properties' 270,000-sq.ft. redevelopment of 24-02 Queens Plaza South, and Taconic Partners' 399,000-sq. ft. redevelopment of 125 West End Ave.

Nationally, life sciences employment has continued to fare better than the U.S. job market with year-over-year growth up 7.9% and 11.4% in 2020 and 2021, respectively. Since 2011, total U.S. employment growth has averaged

Sectors Pump \$2.2 Billion Into Hudson Valley Economy

Continued from page 3

construction of a new two-story, 207,000-square-foot building, along with a parking structure and other infrastructure.

The firm now will also move forward with its \$1.394-billion "Loop Road" project in the Town of Greenburgh involving the construction of eight new buildings, three parking garages and a central utility plant totaling approximately 724,000 square feet at 777 Old Saw Mill River Road. The development would be located on a portion of the 100 acres the company acquired for \$72 million in 2015.

The Parcel D and Loop Road

projects total approximately 921,000 square feet of space and a total investment of \$1.87 billion.

The proposed Loop Road capital investment would serve to locate and staff multiple new R&D laboratories, administrative buildings and amenities. Regeneron, which currently employs more than 3,300 full time employees at its corporate headquarters facilities in Tarrytown, stated that the project would retain 250 jobs at its campus property in Greenburgh, Mount Pleasant and Tarrytown and add another 700 new jobs at the property.

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ALBANY UPDATE

State Funding Will Allow Sewer Work in City of Mount Vernon to Proceed

MOUNT VERNON, NY—The Mount Vernon City Council recently approved \$6 million in state-funded contracts that will allow for critical work to move forward in addressing the city’s decaying water and wastewater infrastructure.

The contracts are the first approved under the state’s historic \$150-million investment to address the city’s longstanding water and wastewater infrastructure issues and related public health challenges. This key milestone enables the start of priority sewer repairs and long-term planning for future wastewater projects, and connects city officials to technical, managerial and financial consultants to help guide this work.

New York State and City officials described the action as “tangible results for the city and taking a big step toward ensuring that Mount Vernon residents, businesses and visitors have access to the reliable water and sewer infrastructure systems that they deserve.

Mount Vernon Mayor



Gov. Kathy Hochul, Westchester County and City of Mount Vernon officials hailed the first contract awards of a \$150-million initiative to fix the city’s long-troubled water and wastewater infrastructure.

Shawyn Patterson-Howard said, “For decades, inferior infrastructure and housing have negatively influenced learning outcomes and lifetime earning potential in communities of color and Mount Vernon is no different. This landmark investment from the state will allow the city to secure the expertise necessary to jumpstart capital

projects alongside our Public Works staff to improve the long-term wealth and welfare of all Mount Vernon residents.”

The contracts are funded by state grants through the NYS Environmental Facilities Corporation in partnership with the Departments of Environmental Conservation and Health. The contracts provide

for the following activities:

- \$5 million to plan, design, and construct priority wastewater projects identified in the city’s Illicit Discharge Action Plan, dated June 2022. The plan identifies all the discharges to the storm sewer system that are not specifically stormwater, such as leaking sanitary sewers.
- \$500,000 for sewer cleaning

services and closed-circuit TV inspection of sewer lines to support capital improvement project planning. Televising the lines will bring visibility to what’s happening underground by identifying blockages and leaks or potential failures in the system.

- \$500,000 for professional consultant services to provide training, technical, managerial, and financial assessments, funding application assistance, and on-site technical assistance.

Environmental Facilities Corporation President and CEO Maureen A. Coleman said, “Grants from EFC will directly support Mount Vernon’s dedicated and hardworking Public Works staff for priority projects that address sewer overflows, and immediately make a difference for residents’ public health and quality of life.”

Gov. Kathy Hochul, Mayor Patterson-Howard and Westchester County Executive George Latimer in April announced the \$150 million in

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White Plains Unveils 6.8 MW Community Solar Portfolio

WHITE PLAINS—The City of White Plains and DSD Renewables (DSD) have completed the construction of a nine-site, 6.8-megawatt (MW) community solar portfolio, the largest municipal solar energy deployment in Westchester.

The portfolio is expected to generate 8,100 megawatt-hours (MWh) of energy annually, tripling the amount of solar energy produced in Westchester County and enough to power more than 700 homes each year. The New York Power Authority (NYPA) was the city's energy advisor for the project.

The portfolio consists of canopy, rooftop, and ground-mount installations at four parking garages, Gillie Park, the Ebersole Ice Rink, Gedney Way Recycling Facility, Water Storage Site and the Sanitation Complex. Energy storage systems totaling 1.76 MW / 8 MWh were also installed at the city's Recycling Facility and the Shapham Place parking garage.

White Plains Mayor Thomas Roach said, "The city partnered with New York Power Authority (NYPA) and Distributed Solar Development (DSD) to create a successful 6.8 MW community solar portfolio that will not only



The solar installation at the City of White Plains' Ebersole Ice Rink.

benefit residents today, but future generations. Public-private partnerships will drive the proliferation of clean-energy projects through New York State creating a robust renewable energy market. I am grateful to NYPA and DSD for their counsel and collaboration during this project."

He added, "We are in a climate crisis and are obligated to recognize the urgency and take deliberate action to build a sustainable, resilient planet. The City of White Plains will

continue to serve as a sustainability leader by investing in and implementing renewable energy initiatives that will meaningfully reduce greenhouse gas emissions."

The city, as well as residents and local businesses subscribed to the community solar project, will receive a 10% discount for credits applied to their energy bill. Between energy cost savings and lease payments for hosting the systems, the installations are expected to deliver approximately \$1 million in

value annually to the City of White Plains.

NYPA is the acting energy advisor and is providing oversight on the project. NYPA also helped the city with the competitive bid process to select a qualified vendor for the comprehensive city-wide project.

"The New York Power Authority is pleased to have played a key role in helping the City of White Plains create an expansive, unique portfolio of solar and storage systems that offer renewable energy to reduce

the region's carbon footprint," said Justin E. Driscoll, Interim President and CEO of NYPA. "As the commercial hub of Westchester County, White Plains is setting an example for other communities looking to develop alternative clean energy options. Hopefully other municipalities will follow suit and help our state further advance its bold climate action goals."

The projects incorporated several infrastructure improvements, such as a new roof for the Ebersole Ice Rink and an innovative enclosed solar canopy storage area for the water department, which avoided significant capital spending by the city. The canopies across many sites feature a proprietary integrated water management system that manages water from rain and snow melt.

At the Gedney Way Recycling Facility, DSD's canopy team designed the first floating foundation canopy mounted on a landfill cap. Additionally, two canopy systems at the site incorporate sidewalls to store and protect city equipment.

Boston-based Perch Energy will manage the community solar subscriptions.

WHAT'S NEW & WHO'S NEWS

Deputy CE Jenkins Named To National Leadership Post

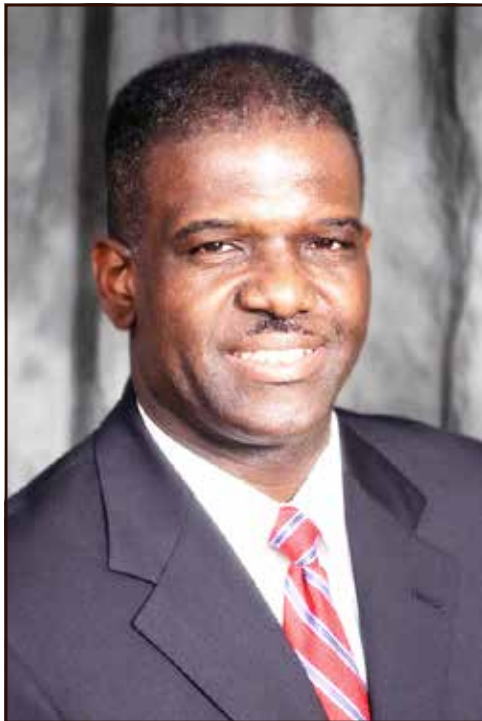
ADAMS COUNTY, CO—At the recent Annual Conference here in Colorado, the National Association of Counties President Denise Winfrey tapped Westchester County Deputy County Executive Ken Jenkins to Chair the Transit/Rail Subcommittee of the NACo Transportation Steering Committee.

"Effective, reliable and sustainable transportation is critical to Westchester County families and I'm excited have a leadership role representing County Executive George Latimer and Westchester County advocating for smart investment in this critical infrastructure,"

said Deputy County Executive Jenkins. "I'm honored to be chosen for this important leadership position with NACo."

The NACo Transportation Steering Committee works to shape policy on all matters pertaining to federal transportation legislation, funding and regulation and its impacts on county government, including highway and bridge development, finance and safety, public transit development and finance, transportation planning, airport development and service, passenger and freight railroads, ports and waterways, freight movement, and research and development of new modes of transportation.

"New York's counties are on the cutting edge of multimodal transportation innovation and leadership and have a wealth of knowledge to share with other county leaders around the nation," said Marte Sauerbrey, president of



Westchester Deputy County Executive Ken Jenkins

the New York State Association of Counties (NYSAC). "I'm proud to see members of our association taking their creative vision and passion for local government and public service to National Association of Counties."

NACo serves nearly 40,000 county elected officials and 3.6 million county employees. Founded in 1935, NACo advocates for county priorities in federal policymaking, promotes exemplary county policies and practices, nurtures leadership skills, optimizes county and taxpayer resources and cost savings, and en-

riches the public's understanding of county government.

The New York State Association of Counties (NYSAC), founded in 1925, is an affiliate of NACo and works closely with the organization to advance priorities of New York's counties at the state and federal level.

"As counties across New York State work to rebuild from the pandemic and respond to new challenges and opportunities facing local government, it's critical to have strong representation in the nation's capital," said NYSAC Executive Director Stephen Acquario. "Having Ken Jenkins from Westchester County, New York bring his talents and experience to the National Association of Counties (NACo) will help shape advocacy at the national level resulting in better, more resilient transportation modes in our great state and around the nation."

WASHINGTON UPDATE

Construction Input Costs Down 1.3%; Contractor Bid Prices Still Rising

WASHINGTON—The price of materials and services used in nonresidential construction fell 1.3% last month, while contractors' bid prices rose 5.4%, according to an analysis by the Associated General Contractors of America of government data released on Aug. 11. Association officials noted that, despite the monthly decline, materials prices remain high and the availability of certain key materials erratic.

"Contractors welcome any relief they can get in the cost of most construction materials," said Stephen E. Sandherr, the association's chief executive officer. "But it is still too hard to acquire most materials and prices remain quite elevated for many key products."

The producer price index for inputs to nonresidential construction—the prices charged by goods producers and service providers such as distributors and transportation firms—slipped 1.3% from June to July, but remained 14.6% above its July 2021 level. However, there was not an across-the-board decline in prices, the index for new nonresidential building construction—a measure of what contractors calculate they would charge to erect five types of nonresidential buildings—continued to climb, increasing 5.4% from June to July and 23.9% over 12 months.

There were one-month increases in July in the index for paving mixtures and blocks, 2.7%; concrete products, 2.2%; plastic construction products, 1.0%; and gypsum building materials, 0.3%. The price index for diesel fuel fell 16.3% in July but remained 71.3% above its July 2021 level. The index for asphalt and tar roofing and siding products fell 0.4% in July, but increased 18.8% over 12 months. Steel mill products fell 3.7% in price last month and increased 6.4% year-over-year. The index for lumber and plywood decreased 0.5% in July and fell 7.7% over 12 months. Copper and brass mill shapes fell 9.7% for the month and 7.9% over the past year.

Association officials urged public leaders to continue to focus on measures to ease supply chain challenges and to help lower the cost of key construction materials. They noted that having the Biden administration remove remaining tariffs on key materials would help lower prices. They added that supply chains for many materials remain challenged amid shipping delays and manufacturing backlogs.

"We are not out of the woods yet when it comes to high materials prices and supply chain problems," said Mr. Sandherr. "Unless public officials can put in place measures to arrest materials price inflation and unjam supply chains, contractors will continue to be squeezed by high prices."

Financial Management

Codeword Green: Real Estate Sector and Partners Commits to ESG or Face Carbon Emissions Fines

By PHILLIP ROSS, CPA, CGMA, PARTNER

The time has come, the real estate industry has prioritized ESG reporting and sustainability efforts. ESG—the acronym for environmental, sustainability and governance—is an overarching framework that aids stakeholders in understanding how an organization manages risks and opportunities around sustainability issues.

Though ESG metrics have not traditionally been included in financial reporting, companies have begun to make disclosures in their annual reports. As a matter of opportunity, it's widely known among industry leaders in commercial real estate and development throughout the world's largest cities, that properties will likely not hold their value over the next 10 years unless they go green and adhere to ESG standards and compliance. It's also the case that sustainability is being factored into lending and financing for properties. It's only fitting then that construction, engineering, and architecture firms will follow suit and be held to the same standards and goals in prioritizing sustainability efforts.

Greater Energy Efficiency And Green Standards Initiated by Nation's Largest Office Market

New York, as the world's largest real estate market and the



Improving Energy Efficiency is the First Step In ESG Implementation

Real estate and commercial buildings contribute approximately 40% of the world's total carbon emissions, according to the Kleinman Center for Energy Policy.

At this pace, how will goals of reducing carbon emissions and increasing sustainability be achieved? Improving energy efficiency is the foundation and first step in the process. If you first improve the efficiency of a building or process, you automatically improve the value of the asset by lowering costs and decreasing the overall carbon footprint.

To begin facilitating that process, locally in NYC, properties that are at least 25,000 square feet will be required to cut their own carbon footprints by 2024 or else be fined \$268 for every

building as well as future construction for new, Class A

buildings designed objectives for promoting the health and well-being of building projects. Contractors and A&E firms will become increasingly more instrumental in estimating costs and working through construction plans with owners and occupiers of buildings being newly built or upgraded. AEC industry participants will need to analyze and design architectural plans that will be used to determine the most efficient energy models. Utilities, electrical plans and mechanical engineering drawings will all contribute to planning stages in developing models that can best manage energy usage.

AEC Firms are the Bedrock Of Urban Sustainability And Social Impact In the ESG Equation

Today, AEC firms can align with urban sustainability plans for the environmental and social impact within the community. AEC firms can lead beyond site design and endeavor to create a positive social impact through architectural design and building projects that include master-

planned objectives for promoting the health and well-being of building projects.

Properties will likely not hold their value over the next 10 years unless they go green and adhere to ESG standards and compliance... It's only fitting then that construction, engineering and architecture firms will follow suit and be held to the same standards and goals in prioritizing sustainability efforts.

projects. AEC professionals are especially adept at taking plans from concept to completion, and will play a key role in future sustainability projects.

Many AEC firms have adopted more inclusive hiring practices and have developed DE&I plans that have been instituted firm-wide so that every business unit can participate. The new form of governance has great potential for attracting and retaining talent which is a win-win. This strategy ultimately benefits firms and their long-term planning as well as overcoming more

recent challenges such as labor shortages and other issues that have been an impediment to AEC as a whole.

AEC Organizations And Financial Advisors Can Develop Standardized Reporting Practices

As ESG is based on new forms of stakeholder capitalism, AEC firms will be involved in developing the context and framework

Please turn to page 21

To begin facilitating that process, locally in NYC, properties that are at least 25,000 square feet will be required to cut their own carbon footprints by 2024 or else be fined \$268 for every metric ton above the limit.

nation's largest office market, became the first city to take actionable steps in sustainability and reducing carbon emissions. In 2009, Law 84 was enacted and required buildings to measure and report their energy use. The law represented a sweeping effort towards becoming a more energy efficient city. Architects and engineers led the way as professionals in these industries were originally consulted to develop benchmarks and criteria for LEED certification standards, or Leadership in Energy and Building Design. Today, according to data from the U.S. Green Building Council Data, approximately 40% of Manhattan's total office space has achieved some level of LEED certification—more than 170 million square feet, according to the US Green Building Council (<https://www.usgbc.org/articles/study-finds-accelerated-growth-leed-manhattan-office-market>).

metric ton above the limit. The requirement comes under the legislation of NYC's Local Law 97, which currently impacts approximately 50,000 commercial and residential buildings in New York City. The law will place additional restrictions on other types of buildings by 2030, with the eventual goal of reducing emissions 80% by 2050. **AEC Will Play a Major Role In Achieving Goals in ESG**

Successful AEC firms recognize that building with greater efficiency in mind and using technologies developed to achieve these goals will be at a distinct advantage over the competition. Those who act now will play a major role in shaping the industry and future efforts towards lowering carbon emissions and achieving net-zero, since steps towards implementation will come directly from those involved in construction and building design. This includes plans to retrofit older



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Medline Opens Orange County's Largest Distribution Center Yet



Orange County Executive Steve Neuhaus praised Medline's commitment to Orange County.

By JOHN JORDAN

MONTGOMERY, NY—Medline opened its nearly 1.4 million-sq.ft. distribution center on Aug. 1, which is touted as the largest building of its kind in Orange County, according to Orange County Partnership President and CEO Maureen Halahan. It cost more than \$120 million to build.

The new Medline property now handles the distribution of thousands of individual products and devices shipped to healthcare providers such as hospitals, nursing homes, ambulatory surgery centers, hospices and physicians' offices. The Montgomery facility is expected to handle more than \$1 billion in annual orders. Medline is also in the process of completing a 7.4 megawatt (MW) solar panel installation at its Montgomery property.

In exchange for Medline's

commitment to retain 344 jobs and create 266 new jobs, Empire State Development has awarded the company up to \$10 million in Excelsior Jobs Tax Credits. Medline relocated its operations from a 500,000-square-foot facility in Wawayanda which it had outgrown.

"Medline is a long-standing corporate citizen of the Hudson Valley, and we are honored to have the opportunity to celebrate the opening of our Montgomery facility with our 700-plus employees and community members that have supported us throughout the years. Thank you for joining us on this special day," said Tom Fallon, director of operations for Medline's Montgomery distribution center.

Orange County Executive Steven M. Neuhaus said at the ribbon-cutting event, "This project will create hundreds

of jobs for Orange County residents, and I know that Medline's distribution center will thrive in Montgomery. Medline's expansion will also increase the company's distribution capacity. As we re-establish a post-COVID economy, we need to take steps to manufacture in America and have solid distribution networks. Medline is helping to fulfill an important part of that critical effort."

"The Medline project has checked all the boxes when it comes to being environmentally sustainable, creating sound jobs with benefits, beautifying Montgomery's industrial corridor, and keeping our hospitals and healthcare facilities fully stocked and functioning even during the most critical of times," added Ms. Halahan. "They are a company with dignity and integrity and this expansion not only saved hundreds of jobs it created hundreds more."

Brian Maher, Montgomery Town Supervisor, singled out Medline's assistance, both large and small, to the town during the early days of the COVID-19 pandemic. "Medline has gone above and beyond to support the greater Town of Montgomery community in a very short period of time. When the pandemic hit, more than \$80,000 was diverted to assist small businesses with grants, hundreds of thousands of dollars was donated to support several community projects—and just last week Medline offset travel expenses so the Montgomery Little League Softball Section Champions could compete in the State Finals."

He added, "On top of becoming one of the top economic engines and employers in the town and county, Medline continues to find new and creative ways to support our community. We are proud that Medline has made a home in Montgomery and we look forward to growing our relationship for many years to come."

The Montgomery distribution center is a part of Medline's \$2-billion Healthcare Resilience Initiative, a national capital expenditure campaign that included new distribution centers, manufacturing capabilities and information technology (IT) upgrades to further their commitment to delivering superior customer service. Medline supports small businesses and plans to spend approximately \$1 million annually with local vendors for maintenance, upkeep and operations support of the Montgomery distribution center.

Medline, which is headquartered in Northfield, IL, serves the nation's top healthcare systems, operating more than 50 distribution centers and over 20 manufacturing facilities across

Please turn to page 22

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Transmission Line Projects

Continued from page 8

communities, address aging infrastructure and to enhance electric service reliability.

Sound Cable: Approved NYPA's request to amend its plans for its Sound Cable transmission line, an existing 26-mile submarine transmission cable connecting the Consolidated Edison Company of New York, Inc. 345 kV Sprain Brook substation, located in Westchester

County, to the Long Island Power Authority East Garden City substation, located in Nassau County. This approval would enhance the reliability of the Sound Cable Project. Additionally, NYPA will install eight new underground utility vaults in Nassau County and replace fiber optic communication cables on the upland portions of the Sound Cable Project in Nassau and Westchester counties.

Financial Management

Continued from page 19

for integrating relevant data. Additionally, governance and the complexity of bidding and around contracts only act to amplify the need for more established accounting and data aggregation methodologies. ESG programs will only be effective inasmuch as the impacts and data can be accurately communicated to stakeholders and regulatory bodies. As such, a successful data integration will require a business strategy that begins with ESG at the core. CPAs, as trusted financial advisors, will be a key partner in working together with these AEC firms to develop and refine financial reporting protocols that are best aligned with firms and their ESG goals.

Construction managers and others will rely on these very protocols to guide financing

options, avoid fines, and to analyze scenarios around short and longer-term cost savings. The benefit will be delivered to owners, occupiers, developers and portfolio managers.

AEC firms will be instrumental in terms of strategizing entire building portfolio planning around reducing carbon emissions. Those firms that recognize this now will be in the middle of creating and building carbon free and energy efficient smart cities and their buildings as well as being a participant in economic and social value creation.

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.

MTA Congestion Pricing Plan Sets Peak Tolls from \$9 to \$23

Continued from page 4

was being prepared, according to the MTA.

A series of virtual public hearings have been scheduled that will take place from Aug. 25 through Aug. 31, as well as a meeting of the Environmental Justice Stakeholder Working Group, on Aug. 19, and a meeting of the Environmental Justice Technical Advisory Group, for Aug. 22. The project partners are accepting comments online, via email, mail, voicemail and fax.

Following the public review period, the Federal Highway Administration (FHWA) will determine whether establishment of the program would result in significant effects in addition to the widespread benefits detailed in the assessment. The FHWA will issue one of two documents responding to the environmental assessment: either a Finding of No Significant Impact (FONSI), establishing that any adverse effects are not significant or can be mitigated below significant level, or, if determined that there are significant effects that cannot be mitigated, a request for an Environmental Impact Statement (EIS) requiring further study of the proposed program.

If the FHWA approves the project, contractors would have 310 days to design, develop and implement the tolling infrastructure and tolling system technology that would process the tolls, the MTA stated.

Comments are being accepted online, by email, mail, phone and fax, and at a series

of six public hearings beginning on Thursday, Aug. 25, and concluding on Wednesday, Aug. 31. Members of the public who wish to speak at the hearings can sign up online at mta.info/CBDTP. The hearings will be accessible online at mta.info/CBDTP at these dates and times: Thursday, Aug. 25, 5 p.m. to 8 p.m. Saturday, Aug. 27, 10 a.m. to 1 p.m. Sunday, Aug. 28, 1 p.m. to 4 p.m. Monday, Aug. 29, 1 p.m. to 4 p.m. Tuesday, Aug. 30, 5 p.m. to 8 p.m. Wednesday, Aug. 31, 10 a.m. to 1 p.m.

In addition, the Environmental Justice Stakeholder Working Group has scheduled to hold its third meeting, on Friday, Aug. 19, at 1 p.m., and the Environmental Justice Technical Advisory Group will hold its fourth meeting, on Monday, Aug. 22 at 1 p.m.

In addition to the hearings, there are many ways the public can make their voices heard. Beginning on Aug. 10, the agencies will collect public feedback on the Environmental Assessment online as well as via email, mail, telephone voicemail and fax.

Online: mta.info/CBDTP; email: CBDTTP@mtabt.org; mail: CBD Tolling Program, 2 Broadway, 23rd Floor, New York, NY 10004; phone: 646-252-7440; fax: Send to (212) 504-3148 with Attention to CBDTP Team.

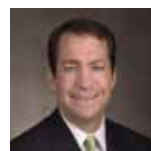
Comments may also be provided to FHWA. Email: CB-DTP@dot.gov and mail: FHWA-NY Division, RE: CBDTP, Leo W. O'Brien Federal Building, 11A Clinton Ave, Suite 719, Albany, NY 12207.



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LOW BIDS

ECCO III, ELQ, Lancaster, Mohegan, Transit Construction Win NYSDOT Jobs

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

ELQ Industries Inc. of New Rochelle, NY was the lowest of five bidders at \$4,395,502.32 for extending acceleration lane including bridge widening over the Hutchinson River Parkway in Westchester.

Lancaster Development & Tully/dba L&T of Richmondville, NY was the lowest of five bidders at \$6,240,541.20 for Route 9W parapet wall repair, Town of Highlands in Orange.

Mohegan Associates Inc. of Carmel, NY

was the lowest of three bidders at \$15,192,865.44 for rustic guide rail replacement at various federal aid eligible locations in Orange and Ulster.

Transit Construction Corp. of Yonkers, NY was the lowest of five bidders at \$2,790,000 for repair/replace catch basins in towns of Mount Pleasant, New Castle, Yorktown and North Castle and the Village of Briarcliff Manor in Westchester.

ECCO III Enterprises Inc. of Yonkers, NY was the lowest of three bidders at \$4,404,501 for structures, where & when, at various locations in Columbia, Dutchess, Orange, Putnam, Rockland, Ulster and Westchester.

Nuco Painting, Gianfia Secure DPW Projects

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

Nuco Painting Corp. of Islandia, NY was the lower of two bids at \$6,286,000 for water storage

tank rehabilitation, County Water District No. 3 in the Town of Mount Pleasant, NY.

Gianfia Corp. of Hawthorne, NY was the lowest of eight bidders at \$3,989,602.50 for rehabilitation of Commerce Street, C.R. No. 29 from Stevens Avenue to Liberty Street, a distance of 1.23 Miles, Mount Pleasant, NY.

Congestion Pricing Plan

Continued from page 11

residents of West of Hudson counties in New York who do not have one-seat access to Manhattan. The MTA needs to make it more affordable and reliable for Orange County residents to take a train, which is their actual business, into New York City, not tax our cars.”

Safety Watch

an obligation to determine how the torque testing was to be done for the safety of its employees and in fact had expertise in this area since it torque-tested the digger derrick bolts prior to retaining Diversified while H&M’s mechanic continued to exercise day-to-day control over the machines.

Continued from page 15

About the author: Costas Cyprus is an associate attorney practicing construction law and commercial litigation with Welby, Brady & Greenblatt, LLP, in White Plains, NY. He can be reached at 914-428-2100 and at ccyprus@wbglp.com. The articles in this series do not constitute legal advice and are intended for general guidance only.



The Medline facility on Route 416 in Montgomery is the largest building in Orange County.

Medline Opens Orange County’s Largest Distribution Center Yet

Continued from page 20

North America. Medline distributes 300,000 unique medical products, including more than 65,000 manufactured by Medline.

The project was not without controversy, however. During the approval process, Medline opted out of securing benefits from the Montgomery Indus-

trial Development Agency after receiving criticism from some opponents, including State Sen. James Skoufis. There was some union participation in the project, though the company did reduce earlier local worker participation in the development that were tied to financial incentives.

State Funding Will Allow Sewer Work In Mount Vernon

Continued from page 17

water and sewer infrastructure investment in Mount Vernon. An additional \$3 million in federal funding was allocated to assist Mount Vernon residents impacted by the sewer and water infrastructure crisis in the city through the Governor’s Office of Storm Recovery’s Healthy Homes pilot program announced in July. The initiative, administered by GOSR and

targeted to the most frequently impacted and high-risk properties, will mitigate environmental hazards and make resiliency upgrades to private property. Participating homes may be eligible for repair to wastewater damage, installation of sewage backflow prevention measures, mitigation of lead infiltration to water within homes, and other needed environmental remediation.



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