

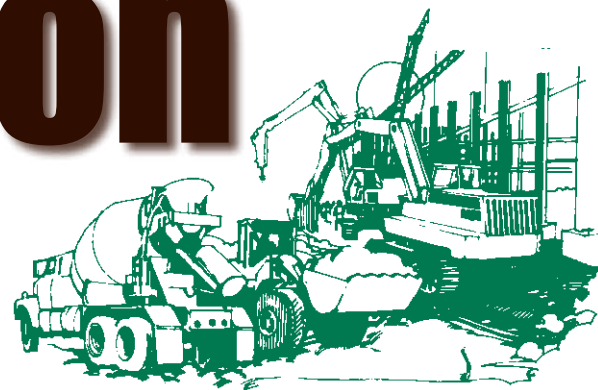
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Construction NEWS



Vol. 40 No. 10

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\$1.50

NYCDEP Begins Final Phase of \$2 Billion Delaware Aqueduct Bypass Tunnel Repairs



NEW YORK – New York City loses millions of gallons of water each day from leaks in the Delaware Aqueduct Tunnel upstate, the equivalent of flooding all 32 NFL football fields this Sunday with three feet of water. Then again on Monday, on Tuesday and on and on.

To stop this massive water loss, the New York City Department of Environmental Protection recently launched the final phase of DEP's largest-ever infrastructure repair project—the \$2-billion Delaware Aqueduct Repair Project. Two decades in its planning, the project will ensure that the Delaware Aqueduct—the world's longest tunnel of any kind—continues to bring New Yorkers the highest quality drinking water in the nation for generations to come.

Over the past 11 years, the city has been constructing a 2.5-mile bypass tunnel around a large leak near Newburgh, NY in Orange County, and is preparing to

fix another leak in Ulster County. In this final phase, the city will connect the ends of that tunnel to the main aqueduct, seal off the leaking portion near Newburgh, and repair the leak under Ulster County.

“New York City's tap water is the envy of the world—it's why we have the best pizza and bagels in the country,” said Mayor Eric Adams at a press conference on Sept. 30. “Today, we're kicking off the final phase of a 11-year project to secure the future of our water supply and make sure that New Yorkers can continue to enjoy the billion gallons of drinking water we use every day. In order to fix the 35-million gallon per day leaks in the Delaware Aqueduct, we've built a 2.5-mile bypass tunnel, and over the course of the next several months, we're going to connect that bypass tunnel to the main aqueduct as part of the largest repair project in DEP's history.”

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Work has begun on the final phase of the Delaware Aqueduct repair project. The bypass tunnel is lined with multiple layers of steel, rebar and concrete, making it extremely robust. Photo Credit/NYCDEP

Unions Seek Project Labor Agreement

NYPA Trustees Approve Moving Forward On New Corporate HQ in White Plains

By JOHN JORDAN

WHITE PLAINS—The New York Power Authority Board of Trustees approved a request on Oct. 8 authorizing staff to negotiate a binding development agreement with the developers of the Hamilton Green project, currently under construction, to build a new nearly 300,000-square-foot corporate headquarters building at the former White Plains Mall project site in Downtown White Plains.

The Power Authority Board also approved an allocation of \$50 million to cover expenses in connection with the deal, including the purchase of the property's air rights. A knowl-

edgeable source says the cost of the new headquarters building will approach \$300 million.

The plan, which has been presented to the City of White Plains by the developer of the Hamilton Green mixed-use project currently under construction, calls for the development of a 297,105-square-foot, state-of-the-art corporate headquarters building for NYPA across the street from its current headquarters building at 123 Main St. in Downtown White Plains. Not discussed by the Trustees was a plan, part of an RFP issued last year by NYPA, to sell its current headquarters property.

The NYPA Finance Commit-

tee approved a request by Lori Alesio, executive vice president and general counsel of NYPA, on Sept. 17 to authorize staff to negotiate a Definitive Agreement with Hamilton Green II Partners, LLC to build a new 297,105-square-foot corporate headquarters building for NYPA across the street at the former White Plains Mall site from its current headquarters building at 123 Main St. in

Downtown White Plains.

Ms. Alesio noted that NYPA issued an RFP for a new corporate headquarters and a buyer for its current headquarters building back in August of 2023. NYPA received three responses from developers and in November 2023 decided to move forward on two proposals. She reported that NYPA entered a non-binding letter of intent with Hamilton Green Partners

in May of 2024 and signed a non-binding offer sheet with the development partnership in August of 2024.

The Finance Committee also approved a request for \$50 million to fund initial capital expenditures in connection with the development site. Ms. Alesio explained that \$30 million will be used for the purchase of the pad/air rights at the development site and \$20 million for costs associated with the purchase of equipment and the design of the building for the remainder of 2024.

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The New York Power Authority's headquarters at 123 Main St. in Downtown White Plains.

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NYS DOT Report: Route 17 Expansion Alternatives To be Studied Will Cost More Than \$1.3B Each

By JOHN JORDAN

ALBANY—A review of the 132-page “Scoping Report” for the “NYS Route 17 Mobility and Access Improvements Project” also known as the Route 17 expansion project, reveals that the two build alternatives being advanced by the New York State Department of Transportation for further study would each cost more than \$1.3 billion to complete.

Both alternatives are centered mainly around expansion/improvements in the Orange County corridor between Exit 130 and Exit 120 of Route 17. An updated project timeline calls for a Record of Decision on the scope of the project by February 2026 and the issuance of all necessary permits and approvals to allow for the commencement of construction by May 2026.

New York Gov. Kathy Hochul, who has previously committed \$1 billion in funding for the Route 17 improvement project, announced the release of the NYS DOT-authored Route 17 scoping report on Friday, Sept. 19.

“Like so many of our bridges and highways, State Route 17 is a product of the mid-20th Century that no longer meets the needs and demands of 21st Century New Yorkers,” Gov. Hochul said. “This scoping report reflects the ongoing partnership that exists between the state and the community as we seek to reimagine this vital roadway into a modern highway that will reduce congestion, enhance safety, promote tourism and improve quality of life in some of the fastest growing regions of the state.”

The State Route 17 Mobility & Access Improvement Project involves improvements to the stretch of State Route 17 between Exit 113 in Wurtsboro, Sullivan County, and Interstate 87 in Orange County. It is intended to address operational and safety deficiencies, improve congestion-related travel times and address features of the corridor that currently do not meet interstate standards. Multi-modal improvements will also be assessed and considered, state officials noted.

As part of the scoping process, the New York State Department of Transportation, in partnership with the Federal Highway Administration, solicited input from the public, stakeholders and involved agencies on the project needs, project concepts and scope of issues to be addressed for the project. As a result, NYS DOT is advancing two “build” alternatives in addition to a “no-build” alternative for further study in an Environmental Impact Statement (EIS). NYS DOT expects to publish a Draft EIS for the project in August 2025.

One alternative (“Concept 1”) being advanced would retain State Route 17’s existing two-lane mainline layout through-



New York Gov. Kathy Hochul has committed \$1 billion in state funding for the Route 17 expansion project.

out most of the corridor while adding interchange auxiliary lanes between Exit 130 and Exit 130A and new collector-distributor (C-D) service roads from Exit 120 to Exit 122 and from Exit 122A to Exit 124. State officials explained that a C-D road separates freeway through-traffic from other vehicles that are exiting or entering the freeway and helps keep weaving and lane-changing vehicles away

from high-speed traffic on the mainline freeway.

A second alternative (“Concept 3”) being advanced for further study calls for the construction of a third travel lane from Exit 120 (State Route 211) to Exit 130A (U.S. Route 6) in addition to new auxiliary lanes and C-D roads.

Both build alternatives would also make targeted safety improvements throughout

the entire corridor, including slope and curve modifications, shoulder upgrades and improvements to pedestrian and mass transit accommodations.

Several interchanges—including Exit 120 (State Route 211)—would also be reconstructed under both build alternatives. The closure of some exits, including Exit 114 (Mamakating Road) in Sullivan County, will be the subject of

further study during the EIS process. The closure of Exit 114 has been controversial and has been criticized by some local residents and businesses.

The Route 17 project, subject to the federal NEPA process, mandates the No Build Alternative be part of the environmental review process. The scoping document reveals that NYS DOT

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NEW YORK CITY UPDATE

Skanska/ECCO III JV Wins \$848M Water Project in Yonkers

YONKERS, NY—Skanska USA Civil Northeast, Inc., along with its joint-venture partner ECCO III Enterprises, Inc., of Yonkers, NY, won a \$848 million contract to construct a reservoir project in Yonkers. Skanska's share of the contract is 75%, or \$630 million, it was reported in *Construction Dive* on Sept. 26.

Work began on the Hillview Reservoir Chemical Addition Facilities construction project in August 2024, according to a company press release, with expected completion in 2030.

The New York City Department of Environmental Protection decided in March 2019 to cover the concrete-lined Hillview Reservoir, built in 1917,

to comply with the Safe Water Drinking Act. The reservoir is a key supply of drinking water for New York City, providing up to 100% of its clean drinking water.

The new chemical addition facilities are the first stage of the agency's \$2-billion plan to improve the Hillview Reservoir, which encompasses 90 acres in

southeast Yonkers, the Yonkers Ledger reported.

The project entails upgrades to the existing north entrance and the addition of two new chemical facilities buildings on the Hillview Reservoir grounds. Work will also include the construction and implementation of two new electrical service feeds

and associated distribution equipment, a new supervisory control and data acquisition system, an interim structure for chemical systems used for water quality monitoring and water carry pumps.

The facility will continue operating during construction. The project will also pursue LEED v4.1 certification.

MTA Commits to \$7.5 Billion in Capital Plan Contract Awards to MWBE/DBE/SDVOB Firms

NEW YORK—The Metropolitan Transportation Authority announced Sept. 30 its commitment to award a historic amount to historically underutilized businesses as part of its recently announced 2025-2029 Capital Plan.

The authority expects to award \$6.5 billion to \$7.5 billion in contracts to state-certified minority- and women-owned business enterprises (MWBE),

to service-disabled veteran-owned businesses (SDVOB), or to disadvantaged business enterprises (DBE).

In addition, the authority is committing to add 350 new businesses to its Small Business Mentoring Program over the next five years, which provides mentoring and financial support to grow the capacity of small businesses. The MTA is committed to providing

contracts to these small businesses—including up to \$400 million as part of its next capital plan. The MTA is also committing to certify another 300 firms as registered DBEs over the next five years.

The MTA said it is also committing to add local hiring goals to \$5 billion of contracts in the 2025-2029 Capital Plan, translating to thousands of union-wage jobs directly in the communities where projects are based. The MTA's current local hiring pilot—started in 2022 enabled by federal guidance in President Biden's Bipartisan Infrastructure Law—has already led to hiring of hundreds of people on projects based in Brooklyn and Queens.

To jump start these efforts, the MTA hosted an event on Sept. 30 attended by more than 250 businesses at the CUNY Graduate Center to make connections between MTA prime contractors with potential MWBE subcontractors, as well as graduates of the MTA Small Business Development Program.

"We announced our next five-year Capital Plan this



MTA Chair and CEO Janno Lieber at the "Meet the Primes" networking event held on Sept. 30 at the CUNY Graduate Center.

month and there's a lot of work to be done," said MTA Chair and CEO Janno Lieber. "When we talk about rebuilding and improving the transit system, this includes billions of dollars of work to be done by our diverse contracting community. As the fourth largest employer in the region, the MTA is proud to partner for an equitable and inclusive economy."

"Beyond its essential role as a transportation agency, the MTA plays a huge role in the social and economic landscape of this city and region," said MTA Chief Diversity and Inclusion Officer Lourdes Zapata. "As

an industry leader with the best-in-state MWBE/SDVOB contracting program, it is important we continuously look for ways to increase awareness, connections and ultimately participation to ensure we're doing our part in creating work and business opportunities that benefit our communities."

MTA Construction & Development Jamie Torres-Springer said, "In 2023, 37% of all MTA contracts awarded went to MWBEs. With our 2025-2029 Capital Plan, we look forward to providing more opportunities with more ambitious goals to meet."

U.S. Construction Jobs Swell By 25,000 in September

WASHINGTON—Construction sector employment rose by 25,000 jobs in September as both nonresidential and residential contractors added workers at a faster clip than other industries, according to an analysis of new government data by a construction organization. Firms continue to boost pay as they seek to add even more people to their payrolls to keep pace with demand, the report released on Oct. 4 noted.

Construction employment in September totaled 8,303,000, seasonally adjusted, an increase of 25,000 from August. The sector has added 238,000 jobs or 3.0% during the past 12 months, nearly double the 1.6% increase for total nonfarm employment. Over the past 12 months, nonresidential contractors added 177,800 employees (3.7%), while residential construction firms added 60,500 (1.8%). The unemployment rate among workers with recent construction experience was 3.7%, the fourth month in a row in which the rate has been lower than for the overall economy.

A separate government report this week showed there were 370,000 job openings in construction at the end of August. That exceeded the 338,000 workers hired during the entire month, indicating the industry sought to hire more than twice as many workers as it was able to bring on board, according to an economist.

Average hourly earnings for production and nonsupervisory employees in construction—covering most onsite craft workers as well as many office workers—climbed by 4.0% over the year to \$35.92 per hour. The increase slightly outpaced the gain in overall private sector pay for production workers, which rose 3.9% over 12 months to \$30.33 per hour. That difference in hourly pay meant that construction workers earned a wage "premium" of more than 18% compared to the overall private sector.

"Construction job growth has remained strong," said Ken Simonson, chief economist the Associated General Contractors of America in its analysis of the government data. "The persistently low unemployment rate for jobseekers with construction experience and the high level of job openings suggest the industry would hire even more workers if they could find enough qualified applicants."

The construction industry has urged Congress to boost funding for construction education and training programs in both the Workforce Innovation & Opportunity Act and in the Carl D. Perkins Career and Technical Education Act. They also urged federal officials to expand the number of work authorizations available to people willing to enter the country lawfully and work in construction.

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Attorney's Column

Court Directs Parties to Arbitration Despite the Lack of a Signed Agreement

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

When most disputes come to a head, the battle cry is “I’ll see you in court!” In connection with construction disputes, that battle cry often becomes “I’ll see you in front of the arbitrator!” While the latter exclamation lacks the panache of the former, it does acknowledge that a significant portion of construction disputes never see the inside of a courtroom because the parties had agreed to submit the dispute to a private arbitration process.



Concrete provided the quantities set forth on the proposal, at the prices reflected.

SEG failed to fully pay for the concrete provided, and left a balance owing to US Concrete

reflected in that document. Thus, neither the lack of signature, nor the watermark, were fatal to the application of the proposal’s terms, including its arbitration clause, and the proposal was a sufficient written agreement to meet the requirement that an arbitration agreement

be in writing. (The court also noted that there are also other circumstances under which a party can be compelled despite not signing an arbitration agreement, such as where, like here,

The benefits of the arbitration process are generally the streamlining of the process (by reducing document and deposition discovery), and avoiding busy court dockets.

practice. Also, there are contexts where the lack of a signature will, indeed, be fatal.

One such context is where an insurance policy will automatically extend additional insured status to those with whom the insured has agreed in a signed writing to provide additional insured coverage to the other contracting party. In that context, no signature equals no additional insurance under the policy. However, for purposes of enforceability, that contract you never sent back on that project you went to work on nevertheless will serve as a written memorandum of the terms of the contract you ratified through your actions.

Rather than have your actions, as opposed to your conscious understanding, set forth the agreement—with the terms often subject to competing

unsigned forms, or other ambiguities that may leave you wondering about what you agreed to—the best practice is to retain experienced construction counsel to draft and negotiate your contract. That way, you will have full knowledge of what you’re agreeing to, and that those terms are as favorable as possible.

About the author: Thomas H. Welby, an attorney and licensed professional engineer, is General Counsel to the Construction Industry Council of Westchester & Hudson Valley and the Building Contractors Association and is the Founder of and Senior Counsel to the law firm of Welby, Brady & Greenblatt, LLP. Gregory J. Spaun, general counsel to the Queens and Bronx Building Association, is an attorney and a partner with the firm and co-authors this series with Mr. Welby.

The down-side (of arbitration) is that a party gives up their rights to full appellate review, as one has when a judge or jury makes a decision with which they disagree.

The benefits of the arbitration process are generally the streamlining of the process (by reducing document and deposition discovery), and avoiding busy court dockets. In addition, the parties get the benefit of someone familiar with the construction industry (an architect or engineer, a contractor, or a construction lawyer), as opposed to a well-meaning, but lay finder of fact (either a judge or a jury). The down-side is that a party gives up their rights to full appellate review, as one has when a judge or jury makes a decision with which they disagree.

Notwithstanding, many parties to construction contracts trade this away for the other benefits of the process. Because of the rights that one is giving up by submitting to arbitration, courts generally require that a party sign an agreement consenting to that process. However, in the recent case of *SEG Services Corp. v Smyrna Ready Mix Concrete, LLC*, a court reminds us that the requirement of a signed agreement consenting to arbitration may be dispensed with under certain circumstances.

Background

In February of 2022, Jun Construction entered into a construction subcontract with SEG Services to perform certain concrete work for the support of excavation, foundation, and superstructure for the construction of the building at 57 Caton Place in Brooklyn, NY. SEG procured the required concrete from US Concrete (Smyrna Ready Mix Concrete’s predecessor in interest). Prior to providing the concrete, US Concrete had sent over a proposal with the terms on which it would furnish the concrete; one of these terms was a clause providing that disputes would be submitted to arbitration. This purchase order was watermarked “DRAFT,” and was never countersigned by SEG. Notwithstanding, US

of \$290,827.09. Smyrna, now the successor to US Concrete, filed a demand for arbitration with the American Arbitration Association, claiming that arbitration was mandated under both the Prompt Payment Act and the contract between its predecessor (US Concrete) and SEG. SEG moved to permanently stay the arbitration, arguing that arbitration could not be had under the Prompt Payment Act because US Concrete/Smyrna failed to comply with its notice requirements, and there was no executed written agreement compelling arbitration. Smyrna opposed, providing the US Concrete proposal and arguing that it applied to its work because, at all times, all parties adhered to its terms. Smyrna also argued that the Prompt Payment Act was applicable because SEG failed to pay for the concrete for more than 12 days after each invoice was rendered, and failed to dispute those invoices.

Decision

The motion court found that US Concrete/Smyrna was not entitled to arbitration under the Prompt Payment Act because it failed to comply with the Act’s requirement to notify the non-paying party that payment has not been received on the (deemed) undisputed invoice (and that if payment was not forthcoming, or that if no progress was being made to settle the matter, that arbitration would be sought).

The court, nonetheless, sent the parties to arbitration under the contract. In doing so, the court cited well-settled law that “the quote became a valid contract despite the absence of the parties’ signatures” (and despite the “DRAFT” watermark) because the parties abided by the terms of the terms set forth in the proposal and SEG ratified those terms when it accepted the quantities of concrete set forth in the proposal, at the prices

the party accepted the benefits under an agreement that provided for arbitration.)

Comment

While there is an axiom in the law that “if it ain’t in writing, it didn’t happen,” that axiom is not so strict as to universally require that the writing be signed—although, clearly, that is the better


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Con Edison Begins Construction on \$1.2B Project To Support Electrification of JFK Airport, MTA Buses

NEW YORK—On Oct. 1, Con Edison marked the start of construction of its Reliable Clean City – Idlewild Project, which will support the electrification of John F. Kennedy International Airport, the Metropolitan Transportation Authority's switch to electric buses, and electrification of buildings in Jamaica, Queens, NY.

The company celebrated the milestone with a ceremony, attended by representatives of the New York State Public Service Commission, the Metropolitan Transportation Authority, the Port Authority of New York & New Jersey, elected officials and community leaders.

"The Reliable Clean City – Idlewild Project represents a major milestone in our strategy to create a clean energy future where every New Yorker can share in the benefits of a reliable, climate-resilient grid," said Tim Cawley, Con Edison's chairman and chief executive. "We're proud to break ground on this project that will enable the electrification for downtown Jamaica, JFK International Airport, and the MTA's fleet of buses, while also increasing reliability for our customers, creating good jobs, and advancing New York's climate goals."

"We plan to achieve significant Minority- and Women-



Con Edison's Chairman and Chief Executive, Tim Cawley (center), leads the groundbreaking for the Reliable Clean City – Idlewild Project in Jamaica, Queens. Joining him, from left were: Con Edison Vice President LaAsia Hundley, New York State Assembly Member Clyde Vanel, Port Authority Executive Director Rick Cotton, Queens Borough President Donovan Richards Jr., and MTA Chair and CEO Janno Lieber.

Photo Credit/CON EDISON

Owned Business participation on the project and look forward to partnering with our elected and local community partners to achieve that goal," Mr. Cawley added.

"As the largest public bus system in North America, we are leading the way to a cleaner, more sustainable future one electric bus at a time," said

MTA Chair and CEO Janno Lieber. "MTA's ambitious plan to transition to an all zero-emissions fleet by 2040 wouldn't be possible without upgrades to the electric grid like the Reliable Clean City – Idlewild Project, which gives us the added power we need plus room to expand our program in the future."

The project will enable Con Edison to accommodate increased demand as well as new sources of renewable energy, all while increasing reliability for Queens customers for decades to come. This will pave the way for residents and businesses to use cleaner energy to charge vehicles and electrify heating and other equipment.

In addition, it will provide interconnection points for energy storage and enable large clean energy resources to interconnect with the Con Edison system, which advances the state's renewable energy goals included in the Climate Leadership and Community Protection Act.

"We're proud to join the celebration of this critical infrastructure project. Con Edison's Reliable Clean City – Idlewild Project will create good paying, green jobs and have a powerfully positive impact on the Southeast Queens community," said Jim Shillitto, president of Local 1-2 of the Utility Workers Union of America. "This initiative underscores the crucial role utility workers play in making the clean energy future a reality. Our diverse and dedicated workers are leading the transition from fossil fuels to renewable energy."

Con Edison is a subsidiary of Consolidated Edison, Inc., one of the nation's largest investor-owned energy companies, with approximately \$15 billion in annual revenues for the year-end 2023 and \$68 billion in assets as of June 30, 2024. The utility delivers electricity, natural gas and steam, and serves 3.7 million customers in New York City and Westchester County.

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What Does New York State's Deregulation Of Marijuana Mean for the Workplace?

In general, the deregulation of marijuana has led to implications on drug testing policies and employee rights. Employers should consider removing THC from their pre-employment drug screening panels. Additionally, employers should review any off duty conduct policies in place, as it is unlawful for an employer to discharge, discriminate against, or refuse to hire an individual because of the individual's legal use of consumable products off the employer's premises and outside of work hours. The law does not provide exemptions for general "safety sensitive" positions, but exceptions are in place if action would cause the employer to be in violation of federal law or results in the loss of a federal contract or federal funding.

What Does Recreational Marijuana Use Mean for Employers in NYS?

The law does not provide exemptions for general "safety sensitive" positions, but exceptions are in place if action would cause the employer to be in violation of federal law or results in the loss of a federal contract or federal funding.

NYS Marijuana Use Policies In the Workplace

Employers can enforce poli-



cies prohibiting the use, possession, transfer, or sale of marijuana at work. Additionally, employers can enforce prohibitions against impairment during work hours or at the workplace, or while using the employer's equipment or other property.

Employer Discrimination Policies in NYS

Employees may have certain rights regarding off-duty

recreational marijuana use. New York State law protects individuals who use marijuana outside of the workplace from discrimination. However, employers can still take action if an employee's marijuana use impairs job performance or violates workplace policies.

Marijuana Drug Testing Policies for Employers In NYS

Employers may need to

review and potentially revise their drug testing policies. Since off duty use of recreational cannabis is now legal, employers may want to remove cannabis from pre-employment drug testing panels. THC, the active ingredient in cannabis, can stay in a person's system after intoxication wears off. How long the presence of THC stays in the user's system can vary depending on how frequently

or for how long a period they have been using.

Employers should exercise caution in post-accident drug testing as well. A positive drug test for cannabis in someone's system cannot determine if someone is actually under the influence at the time of testing. Ensure any testing is done is based on specific articulable symptoms:

- that decrease or lessen the employee's performance of the duties or tasks of the employee's job position or
- that interfere with an employer's obligation to provide a safe and healthy workplace, free from recognized hazards, as required by state and federal occupational safety and health law.

Employee Medical Marijuana Use In the Workplace

Employers may be required to provide reasonable accommodations for employees who use medical marijuana. This could include modifying work duties or schedules to accommodate medical treatment or allowing the use of medical marijuana during non-working hours. It is important to note that employers are not required to ac-

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CELEBRATING

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NYPA Trustees Approve Moving Forward on New Corporate HQ in White Plains

Continued from page 1

She said that NYPA is pursuing an “aggressive” time line that projects a Definitive Development Agreement to be reached with Hamilton Green Partners by November 2024 and the move-in to its new corporate headquarters by June 2027.

The new headquarters would provide NYPA with a modern-designed building with many energy-efficient amenities and also fulfill its commitment to the City of White Plains to build a new headquarters building in Downtown White Plains and be a part of the business district’s revitalization.

No other terms of the transaction were disclosed. In addition, it is not known at press time the status of the component of the RFP that called for the sale of its current headquarters property, which rises 16 stories and totals 417,014 square-feet with an integrated six-story, 700-space parking structure. The office property, which houses approximately 900 NYPA employees, was built in 1981 and acquired by NYPA in 1991.

Jeff Loughlin, president of the Westchester Putnam Building & Construction Trades Council, told CONSTRUCTION NEWS that the trades have held discussions with principals of Hamilton Green II Partners about a Project Labor Agreement in connection with the New York Power Authority

project. When asked whether he was confident union tradesmen would be working on the project, Mr. Loughlin said, “Yes I am,” adding that during those conversations, Hamilton Green executives committed to a PLA on the NYPA project.

building which is mandated to be a Prevailing Wage project. Prevailing Wages are different from Union Wages and in most instances Prevailing Wage is a higher wage so we have to work thru the mechanics of how to do this within a PLA. We will

project’s approved Conceptual Development Plan to change the approved use of 220 Hamilton Ave. from residential to office use.

Janet J. Giris, a partner with the DelBello, Donnellan, Weingarten, Wise & Wiederkehr

NYPA is pursuing an “aggressive” time line that projects a Definitive Development Agreement to be reached with Hamilton Green Partners by November 2024 and the move-in to its new corporate headquarters by June 2027.

He added that he spoke several times to Hamilton Green executives over the summer concerning the NYPA headquarters project and “was assured it would be done under a PLA.”

A spokesman for Hamilton Green in a statement to CONSTRUCTION NEWS, stated: “We have met with Jeff Loughlin and discussed the use of Union trades on the project. It is our intent to use Union trades on the NYPA

be working toward that goal together with the Building Trades.”

The scope of the potential development project at the Hamilton Green development came into greater focus recently during a White Plains Common Council session on Sept. 30. The *Westchester County Business Journal* first reported that Mark Weingarten of DelBello, Donnellan, Weingarten, Wise & Wiederkehr, LLP, presented an application to amend the

firm, in a letter submitted to the Common Council, stated the new office building, part of Phase 2 of the project, would total 297,105 square feet of office space. The amended plan would add approximately 270,000 square feet of office space to the overall project.

The building would be LEED V.4 and Gold-certified and would be designed to be all electric and energy efficient.

Other changes to the CDP outlined in the letter include:

- Construction of the building at 20 Barker Ave. as an affordable condominium development containing 156 affordable dwelling units;

- The addition of a new ingress/egress to the parking structure on Martin Luther King Boulevard, which will serve the proposed office building;

- The addition of a new ingress/egress to the parking structure on Barker Avenue, which will serve the residential units at 20 Barker Ave.;

- The elimination of all residential units from the building located at 220 Hamilton Ave. and a reduction in the overall number of residential units on the 20 Barker Ave. property from 390 to 156;

- A reduction in total retail/restaurant space from 57,805 square feet to 35,603 square feet on the overall property;

- An increase in the number of parking spaces on the entire property from 964 to 1,270 parking spaces;

- An increase in the private open space from 21,182 square feet to 25,500 square feet on the overall property; and

- The addition of two levels of above-parking structured parking on a portion of the 20 Barker Ave. property.

Construction of Phase 1 of the project is well underway with rental apartments at 25 Cottage Place scheduled to open before the end of 2024 and 5 Cottage by June 2025.



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Economic Outlook

What are the Short-Term Economic Policy Impacts of U.S. Presidential Elections?

By MICHAEL J. PATON



The period leading up to a U.S. presidential election is often characterized by significant uncertainty and market volatility. As candidates run for office, investors, businesses and consumers react to the potential outcomes and their associated economic policies. The short-term effects of this election uncertainty manifest across various sectors, affecting financial markets, business investments and consumer behavior.

According to historical mar-
election years, particularly as
the race between candidates

the election is over. Investors are generally cautious when market conditions are unpredictable, and the stock market often becomes more sensitive to political events. For example, in the months leading up to the 2016 U.S. presidential election, the stock market fluctuated in response to debates, polls and news surrounding the policies of the two main candidates.

The unpredictability of a major shift in policies, such as corporate taxes and international trade agreements, left investors wary of making significant financial commitments. In some instances, markets may react negatively to potential policy changes that could disrupt economic sectors. For instance, if a candidate campaigns on a platform of increased regulation or higher corporate taxes, industries such as energy or technology might see their stock prices dip in anticipation of future losses. On the other hand, if a candidate favors deregulation or tax cuts, markets may respond positively as investors anticipate an economic environment more

favorable to business growth. Based on research on economic behavior, businesses

postponing investments in new projects, acquisitions or expansions. This hesitation is especially pronounced in industries that are highly regulated, such as healthcare and energy. If a candidate is running on a platform that includes major reforms—such as changes to healthcare policy or energy regulation—companies in those sectors may be reluctant to make large capital expenditures until they understand the regulatory environment they will face post-election. In 2012, for instance, the Affordable Care Act (ACA) was a major issue in the U.S. presidential election. Healthcare

In 2012, for instance, the Affordable Care Act (ACA) was a major issue in the U.S. presidential election. Healthcare companies held off on investment decisions as they awaited clarity on whether the ACA would be upheld or repealed, depending on the election's outcome.

typically delay significant investments during election campaigns, preferring to wait for the outcome before committing to long-term strategies. The rationale behind this is straightforward: uncertainty about future policies can make it difficult to predict profitability and operational costs. For example, in the months leading up to the 2020 U.S. election, companies across various sectors adopted a “wait-and-see” approach,

companies held off on investment decisions as they awaited clarity on whether the ACA would be upheld or repealed, depending on the election's outcome.

Consumer confidence is another area that is affected by election campaigns. According to studies on consumer behavior, when political uncertainty is high, consumers tend to feel less confident about the future

During election campaigns, candidates often make promises about increased government spending whether in the form of infrastructure projects, tax cuts, or social programs. According to political economists, election-year spending tends to increase as incumbents seek to bolster their standing among voters.

ket data, U.S. financial markets tend to experience heightened volatility during presidential

intensifies. This is largely due to the uncertainty surrounding which policies will prevail once

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Making a Career of It



Opportunity Rings Twice Rob Tirella

Job Title: General Laborer

Union Member: Laborers Local 235

Early Employers: Liberty Demolition,
Yonkers Contracting Co.,
Lendlease Construction Ltd.

Job Site Location: White Plains, NY

Project Owner: New York-Presbyterian Hospital

Six years ago, Rob Tirella got a phone call from a friend, a member of Laborers 235, offering him the opportunity to join a union. Rob had a unique skill set, acquired from years working in his family's business, All County Appliance, where as a high schooler he would spend time after school and summers greasing, repairing or assembling a veritable cargo-ship-load of tools and appliances that came and when through the Mamaroneck storefront.

After graduation from Harrison High School, he went to college and earned a degree in criminology. However, following a false start in the automotive field he quickly found he was better suited to work outside with his hands and apply the instincts and knowledge he acquired from his father's business.

"An office desk and a view wasn't for me," he said.

Then one day in 2018, the phone rang. It was a friend offering a ticket to a career track with a better future than the one he was on working on a crew cutting lawns and installing the occasional landscape project.

He said no.

Two years would pass and the phone rang again. It was the same friend offering the same ticket to ride. And by now times had changed—with a new wife and plans to start a family. He absolutely knew the timing was right to join Laborers 235.

"It offered a better opportunity and a chance to help build the projects I found complex and challenging," he explained. The paychecks from the union building work would also go farther to meet a family lifestyle.

He said he also found a mentor in Masimo Buccheri, a veteran Laborer and member of Local 9. Local 235 Business Manager Ralph "RJ" Merritt described Rob as "a hard worker by nature with a proficiency for detail and teamwork." Mr. Merritt added that he has signed Rob up into numerous classes that have helped him secure work."

Today, with nearly five years of benefits as a Laborer, at age 35, he is pursuing his ambitions that extend both personally and professionally. He has a two-year-old son and the family is expecting a second child, a daughter. He also has also found the time to pursue becoming certified in Rigging & Hoisting at Local 235. (He said he intends to follow up with classes in Confined Space and Scaffold Use, which Local 235 offers through the Laborers various union training facilities in the region.)

"I eventually want to be the guy on the jobsite who is invaluable to an owner or contractor on a building project. I look forward to working in technically complicated spaces like a hospital or other healthcare facilities. That's the goal," he said.

Researched and written by George Drapeau III



Montefiore Health Plans \$41M Expansion, Modernization at Mount Vernon Hospital

MOUNT VERNON—Montefiore Health System officials unveiled late last month what they termed transformative plans for Montefiore Mount Vernon Hospital designed to meet the community's healthcare needs and establish a new benchmark for accessible care.

Backed by a \$41-million capital investment from New York State, Montefiore Mount Vernon on Sept. 30 laid out plans to become a sustainable, community model for both inpatient and outpatient care, hospital officials stated. The comprehensive revitalization strategy focuses on expanding and modernizing critical areas of the hospital.

Key projects include the redesign of the Emergency Department, which can currently accommodate 20,000 visits each year. With the planned



Part of the plan includes an expansion of the Emergency Department at Montefiore Mount Vernon Hospital.

upgrades, it will be able to accommodate 50,000 visits, marking a 150% increase in capacity, Montefiore officials stated.

The transformation plan addresses the complex challenges involving transferring patients to other facilities due to lack of operating rooms doubling as a Gastroenterology Unit. Under these plans, Montefiore will

expand the operating rooms and will outfit them with state-of-the-art equipment, thus reducing the need to transfer patients.

The plan also includes the modernization of the Family Health Center, including improvements to the lobby, exam rooms, and support centers, to enhance the patient experience.

These investments will not only increase access to care, but also qualitatively improve the environment that patients need and deserve.

"This is more than a financial investment—it's a commitment to collaboration and continued advocacy for the health, wellbeing, and future of Mount Vernon," said Mount Vernon Mayor Shawyn Patterson-Howard. "This transformation will provide our residents with state-of-the-art facilities and comprehensive care, underscoring our collective dedication to a healthier future for our city. With the support of Senator Jamaal Bailey, Assemblyman J. Gary Pretlow, and \$41 million in secured funding from New York State, Montefiore will revitalize and expand services at Montefiore Mount Vernon Hospital to address our

community's healthcare needs. We have come a long way, and I am excited about the direction we are going."

According to a spokesman for Montefiore Health, work is being undertaken on the Certificate of Need application, which Montefiore hopes to file within the next couple of months. Depending on the state's approval timeline(s), work could begin on the project as early as mid-year 2025 with project completion by the end of 2026.

At press time, a general contractor has not been selected and no bids have been issued in connection with the expansion.

Once construction is complete, Montefiore will hire up to 200 new high wage-earning jobs to support the expansion and development of its clinical programs and services.

NYCDEP Begins Final Phase of \$2 Billion Delaware Aqueduct Bypass Tunnel Repairs

Continued from page 1

A temporary unintended consequence could be water tasting and smelling slightly different for a few months, he said, noting that it will still be "perfectly safe to drink."

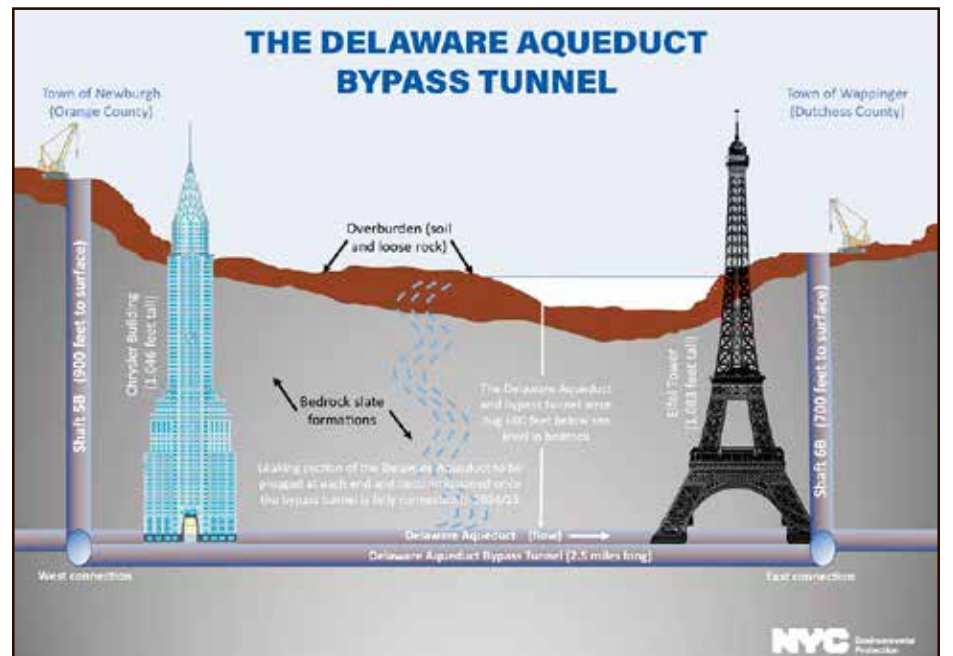
NYC DEP Commission Rohit Aggarwala noted that nearly 10 million New Yorkers count on his department for high-quality water on a daily basis. "We will continue to do that during this complex repair and will ensure we meet that essential mission for generations to come," he said.

With an eye on the commercial water market, he observed, "Just like different brands of bottled water taste a bit different, so do our different reservoirs. While some residents may notice a temporary, subtle difference in taste or aroma during the repairs as we change our famous blend, our water remains clean and safe to drink."

The New York City Department of Environmental Protection announced on June 28, 2023 a schedule change for planned work on the Delaware Aqueduct, the world's longest tunnel, with the major work completing the project delayed one year. The project is now scheduled to begin this month.

The project, which calls for shutting down a portion of the aqueduct in order to attach a bypass tunnel under the Hudson River, was scheduled to last up to eight months. The shift in schedule allows for additional pumps, as well as related drainage infrastructure and electrical support, to be installed to keep the construction zone dry and ensure worker safety during this complex repair of decades-old leaks.

Throughout the repairs, DEP said it will "rely upon the redundancy of its robust 19-reservoir system to continue



Scale diagram to show the depth of the shafts and bypass tunnel

to deliver clean, safe water at the levels its customers currently depend upon. Specifically, there will be increased amounts of drinking water coming from the Croton Watershed, a group of 12 reservoirs and three controlled lakes in Westchester and Putnam counties, to feed New York City's water supply." The DEP also stated that thanks to the many redundant sources of water, and its interconnected set of aqueducts and water tunnels, "there will be no impact on the amount of water being supplied to the city. As DEP does every day, the agency's scientists and technicians will continuously monitor the water supply."

DEP also completed significant capital projects to prepare for this phase, including increasing the Catskill Aqueduct's capacity, upgrading reservoirs across the watershed, and more.

Decades of extensive planning, robust

system capacity and redundancies, and careful management and oversight of the project will ensure that New York City residents, and others who also rely upon the same water, continue to enjoy the world's highest quality and best-tasting water.

New York's different watersheds have different taste characteristics. As the Croton Watershed reservoirs are used more than usual for New York City while the aqueduct repairs are underway, some customers may notice subtle differences in the taste or aroma of their tap water, particularly those with refined or sensitive palates and senses of smell. The Croton Filtration Plant has been modified to use granular activated carbon, similar to what is used in household pitcher filters, during the project's duration to help maintain the city's legendarily clean, crisp-tasting drinking water.

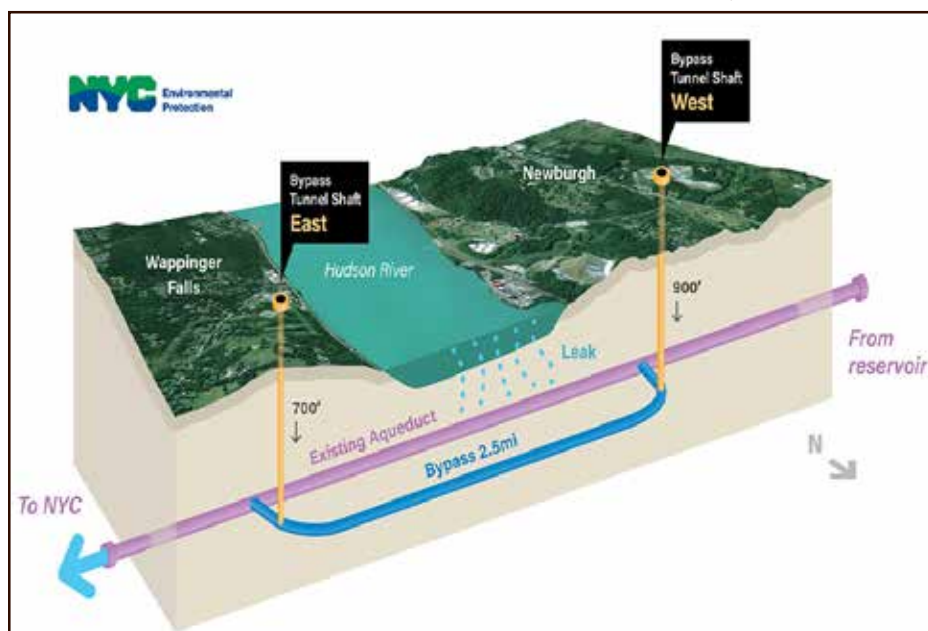


Diagram showing the existing aqueduct and the bypass tunnel beneath the Hudson River.

What Does New York State's Deregulation of Marijuana Mean for the Workplace?

Continued from page 8

commodate marijuana use if it would create an undue hardship or pose a safety risk. Employers should engage in an interactive process with employees to determine appropriate accommodations on a case-by-case basis.

Similar to off duty use of recreational marijuana, employees who are certified to use medical marijuana may have legal pro-

tections against discrimination in the workplace. New York State prohibits employers from taking adverse employment actions against employees based solely on their status as medical marijuana cardholders or their use of medical marijuana outside of work hours.

Cannabis Use in Manufacturing and the Production Sector

Employers in the manufacturing industry should prioritize safety, compliance, and clear communication when addressing cannabis use in the workplace. By implementing effective policies and practices, employers can minimize risks and maintain a safe and productive work environment.

Manufacturing environments often involve heavy

machinery, hazardous materials, and other safety-sensitive activities. Employers have a legal obligation to maintain a safe workplace under Occupational Safety and Health Administration (OSHA) regulations.

Cannabis use, whether for medical or recreational purposes, can impair cognitive function, reaction times, and decision-making abilities,

which can pose serious safety risks in manufacturing settings. Employers should ensure that their policies and practices effectively address these safety concerns.

Editor's Note: Report provided by Clarity Testing of Elmsford, NY and other industry sources. For more information go to <https://www.claritytesting.com/>

Construction NEWS PHOTO GALLERY



From left, Sean McAndrew, DEP Executive Director in the Bureau of Engineering Design and Construction, and DEP Commissioner Rit Aggarwala.



DEP's Ross Fratto closes the first of six water lines.

Delaware Aqueduct Repairs Reach Final Phase of Work



DEP Commissioner Rit Aggarwala visits the shaft in Wappinger on Sept.13. From right, DEP Commissioner Rit Aggarwala, Executive Director in the Bureau of Engineering Design and Construction Sean McAndrew, Director of External Affairs John Milgrim, and Deputy Commissioner of the Bureau of Public Affairs and Communications Beth DeFalco.



Siphons at the Rondout Reservoir were installed to enable the release of water from the reservoir into the Rondout Creek during the Delaware Aqueduct Repair Project.



DEP Commissioner Rit Aggarwala, right, and Director of External Affairs John Milgrim.

Photos Credit/NYCDEP

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Financial Management

Preparing for the Election: Let's Compare Tax Proposals of Candidates Harris and Trump

By PHILLIP ROSS, CPA, CGMA, PARTNER

The 2024 presidential election presents a pivotal moment for the construction industry. Both Vice President Kamala Harris and former President Donald Trump propose contrasting tax policies that could reshape the financial landscape for construction firms and contractors.

With the sector highly sensitive to changes in corporate taxes, material costs and labor provisions, it's essential to understand how each candidate's policies could potentially impact profitability, project budgets and workforce dynamics. By anticipating these potential shifts, construction companies can make informed decisions as they plan for the future.

The upcoming election is shaping up to be a referendum on two distinct approaches to tax policy. Harris and Trump both have plans designed to



increase could directly affect profitability and cash flow, particularly for larger companies or those already operating with narrow margins. In addition, Harris's plan to impose a 25% minimum tax on unrealized capital gains for high-net-worth

individuals could impact large contractors with owners holding significant wealth tied up in assets.

On the positive side for construction firms, Harris is proposing significant tax incentives aimed at promoting affordable housing. Her platform includes an expansion of the affordable housing tax credit, which could benefit construction firms involved in multi-family projects. Additionally, Harris's plan to provide tax incentives for homebuilders constructing homes for first-time buyers could open up new residential development opportunities. These provisions align with the

construction industry's role in addressing the nation's housing shortage and could encourage

Vice President Harris's tax agenda centers on raising corporate tax rates, offering targeted incentives, and increasing taxes on high-income earners, with particular attention to affordable housing and workforce support.

also include policies that could indirectly impact construction labor costs. For example, her

plan to expand the child tax credit—raising it to \$6,000 for the first year—could alleviate some financial pressure on low-income workers, including those employed in construction. Conversely, her proposal to increase the top individual income tax rate to 39.6% could affect high-earning business owners and contractors, potentially reducing after tax net profits for executives in the industry.

Construction firms involved in international projects could

Former President Donald Trump's tax proposals offer a contrast, focusing on reducing taxes across the board, making the expiring Tax Cuts and Jobs Act provisions permanent, and introducing tariffs that could significantly affect material costs for construction projects.

address the nation's economic challenges—but their proposals differ significantly on how they would impact businesses. For construction firms already facing tight margins, volatile material costs and labor shortages, these tax plans are particularly relevant.

Vice President Harris's tax agenda centers on raising corporate tax rates, offering targeted incentives and increasing taxes on high-income earners—with particular attention to affordable housing and workforce support. Her proposal to raise the Federal corporate tax rate for C corporations from 21% to 28% is one of the more striking elements of her platform.

For construction firms, this



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GREG LALEVEE
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Please turn to page 20

City of Newburgh Completes \$32-Million North Interceptor Sewer Improvement Job

NEWBURGH, NY—New York State, City of Newburgh and environmental activists gathered on Oct. 8 to celebrate the completion of the \$32-million North Interceptor Sewer Improvement project here.

L. Todd Diorio, president of the Hudson Valley Building and Construction Trades Council, reported to CONSTRUCTION NEWS that the project was undertaken by union tradesmen employed by Kubricky Construction Corp. of Queensbury, NY.

The sewer improvement project is the latest and largest capital project completed under the Newburgh City Council's \$140-million infrastructure improvement plan. The North Interceptor Sewer Improvement Project is one of the most significant clean water projects in New York State, and the realignment of the city's underground sewer infrastructure will facilitate the redevelopment and restoration of "The Hillside"—a once vibrant section of the city



Newburgh Mayor Torrance R. Harvey at the Oct. 8 press conference announcing the completion of the North Interceptor Sewer Improvement project.

that was destroyed during the failed urban renewal era, city officials stated

The \$32-million project commenced construction in

April 2022 and was completed in less than two-and-a-half years. The project installed 8,700 linear feet of new, larger-gravity sanitary piping, including more than 2,000 feet of piping through an innovative micro-tunneling technique that reduced disruptions for residents and expedited the project's completion. The new, larger pipes are increasing system capacity and reducing pollution discharged to the Hudson River by diverting more flows to the city's treat-

ment plant during wet weather events. The city worked with federal and state agencies to secure more than \$31 million in grants and interest-free financing.

"Clean water investments with funding from the Bipartisan Infrastructure Law provides a crucial opportunity to make significant environmental improvements that will protect public health across the state for generations to come," Gov. Kathy Hochul said. "These upgrades are vital to protecting the environment and enhancing quality of life in Newburgh."

In addition to \$6 million in federal grants and interest-free financing from the BIL, the project received \$15 million in state grants from the Water Quality Improvement Project and Water Infrastructure Improvement programs, a \$5-million grant from the Clean Water State Revolving Fund, a \$3-million federal Community Grant, and a \$2-million grant from the federal American Rescue Plan Act.

The significant state and federal investments supported construction of 8,700 linear feet of new, larger sewer pipes and other crucial upgrades to strengthen the city's ability to withstand high water events and reduce pollution in the Hudson River. Innovative micro-tunneling techniques were

used to install over 2,000 linear feet of underground sewer pipeline, reducing disruption for community residents and expediting construction. The new, larger pipes are increasing system capacity and reducing pollution discharged to the Hudson River by diverting more flows to the city's treatment plant during wet weather events.

The federal funding is administered through the State Revolving Funds by the New York State Environmental Facilities Corporation in coordination with the Departments of Environmental Conservation and Health. EFC closed on \$96 million in federal funding for eight projects as part of a record \$2.2 billion investment in clean water infrastructure in State Fiscal Year 2024.

Other Current Infrastructure

- **Projects in Newburgh**
- Delano-Hitch Park Aquatic Center
- Newburgh Landing Pier Reconstruction
- Walsh Road Bridge Rehabilitation Project
- Little Britain Road Bridge Reconstruction
- North Water Street Sewer Separation Project
- North Street Sewer Separation Project
- South Interceptor Sewer Replacement Project

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NYS DOT - Region 8

Bid Letting Date: Oct. 24, 2024

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

Contract: D265349
PIN# 807420

Project Description: Rockland Co., pavement resurfacing - Route 45 - Village of New Hempstead, Town of Ramapo.

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

Goals: MBE: 10.00%, WBE: 15.00%, SDVOB: 6.00%

Bid Letting Date: Nov. 7, 2024

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

Contract: D265315
PIN# 881440

Project Description: Columbia, Dutchess, Orange, Putnam, Rockland, Ulster, Westchester Cos., biennial graffiti removal - response contract, various locations.

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

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

Bid Letting Date: Nov. 7, 2024

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

Contract: D265316
PIN# 881486

Project Description: Putnam, Westchester Cos., bridge painting - Cross County Pkwy and Hutchinson River Pkwy, Various Locations., Bid Deposit: 5% of Bid (~ \$375,000.00) , Goals: MBE: 4.00%, WBE: 8.00%, SDVOB: 0.00%

NYS DOT - Region 9

Bid Letting Date: Nov. 7, 2024

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

Contract: D265353
PIN# 980762

Project Description: Broome, Chenango Cos., bridge rehabilitation - bearing replacement, various locations.

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

Goals: DBE: 6.00%

NYS DOT - Region 10

Bid Letting Date: Nov. 7, 2024

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

Contract: D265324

PIN# 0BP24

Project Description: Nassau Co., bridge painting - various locations, Towns of Hempstead and North Hempstead.

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

Goals: DBE: 10.00%

Westchester County DPW

Bid Due Date: Oct. 16, 2024 (Date Change)

Contract: 22-526 (\$100)

Title: Rehabilitation of Weaver Street Pumping Station, Mamaroneck Valley Sanitary Sewer District, Town of Mamaroneck, NY.

Description: The work under this contract consists of providing all necessary labor, material and equipment required for rehabilitation of the Weaver Street Pumping Station in the Mamaroneck Sanitary Sewer District in Mamaroneck, NY. Work will include, but not be limited to, rehabilitation or replacement of various equipment and systems including sewage pumps, motors, drives, controls, valves, piping, bar screens, electrical lighting, heating, ventilation, chemical feed, emergency generator, chain link fencing and security systems, as well as installation of necessary flood hazard mitigation measures at the Pumping Station.

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

Bid Estimate Range: \$6.9 million to \$7.7 million.

Mandatory Pre-Bid Inspection: held Sept. 10, 2024. MANDATORY attendance was required. Bids will be rejected from Contractors not in attendance at this meeting, or those who failed to sign the attendance sheet.

Contact: John Coelho, 914-995-5144.

Bid Due Date: Oct. 30, 2024

Contract: 22-502-Rev. (\$100)

Title: New Salt Storage Shed Facilities, Croton Point Park, Lasdon Park, and Sprain Ridge Park, Village of Croton-on-Hudson, Town of Somers and City of Yonkers, NY.

Description: The work under this contract consists of providing all labor, material and equipment required to construct Salt Sheds at three (3) locations: Croton Point Park in the Village of Croton-on-Hudson; Lasdon Park in the Town of Somers; and Sprain Ridge Park in the City of Yonkers, New York. Work includes but is not limited to miscellaneous site civil work, electrical power, and storm water mitigation practices.

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

Bid Estimate Range: \$2.5 million to \$2.7 million.

Pre-Bid Inspection: Scheduled at 10:00 a.m., Oct. 8, 2024; meeting at the Sprain Ridge Park, Jackson Ave., Yonkers, NY. Meeting shall start at the Maintenance Building located at the right near the Park entry driveway.

Note: Only the Sprain Ridge Park site shall be part of the non-mandatory pre-bid inspection. Contractors are encouraged to visit the remaining sites without supervision whereas those locations are

open to the public.

Contact Adam Kaplinski, 914-995-3991.

Bid Due Date: Oct. 30, 2024

Contract: 23-527 (\$100)

Title: Replacement of Secondary Clarifier No. 2, Blind Brook Wastewater Treatment Plant, Rye, NY

Description: The work under this contract consists of providing all necessary labor, material, equipment and all other items required to replace/improve the Secondary Clarifier No. 2 equipment at the Blind Brook WWTP in Rye, NY. Replacements will include, but not limited to, the effluent sluice gate, FRP weirs, launders, and scum baffles for SC No. 2. Demolition and replacement of return activated sludge (RAS) and waste activated sludge (WAS) piping in the RAS/WAS well and plugging the unnecessary pipe penetrations, as well as providing pipe support improvements. Installation of removable grating and framing over the RAS valve pit and installation of a new sluice gate in the WAS well to control scum flow from SC No. 2. In addition, complete electrical and MCC improvements will be performed for all equipment associated with SC No. 2, as well as clarifier equipment and slide gate manufacturer inspections and testing.

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

Bid Estimate Range: \$1.5 million to \$1.7 million.

Mandatory Pre-Bid Inspection: Scheduled at 10:00 a.m. on Oct. 8, 2024; meeting at Blind Brook Wastewater Treatment Plant (141 Oakland Beach Ave., Rye, NY 10580). MANDATORY attendance is required. Bids will be rejected from Contractors not in attendance at this meeting, or those who fail to sign the attendance sheet.

Contact: John Coelho, 914-995-5144.

New York State Dormitory Authority

Bid Due Date: Oct. 24, 2024

Title: Office for People with Developmental Disabilities, Broome DDSO, Parking Lot Expansion Project

Contract: CR40 General Construction

Project# 3543609999

Sealed bids for the above work located at Broome DDSO, 249 Glenwood Road, Binghamton, New York 13905 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 - MOLLY GRUSS." 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 present government-issued picture identification to building security officials and obtain a visitors pass prior to attending the bid opening.

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 550 592 4065, Password 730959. 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 p.m. local time on Oct. 24, 2024 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: Kevin Perazzelli, Project Manager, 515 Broadway, Albany, New York 12207, 518-801-3394, KPerazze@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 Tuesday, Oct. 8, 2024, at 11:00 a.m. at 249 Glenwood Road, Binghamton, NY 13905. Contact Philip Mauro at 518-704-7148. All prospective bidders are strongly encouraged to attend.

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 plan holder 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 plan room. 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 plan holders for an additional cost and may be ordered through the online plan room 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@team-camelot.com for more information.

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

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Safety Watch

Contractors Beware: OSHA Can Cite You For the Work and Actions of Your Subs

By COSTAS CYPRUS, ESQ.

The realities and complexities of modern-day construction make it likely that a contractor will use subcontractors to perform a portion of those activities and their scope of work. However, up-stream contractors, and specifically general contractors, must understand that in the realm of OSHA enforcement and OSHA violations, under the multi-employer worksite doctrine, they can in fact be cited for violations of safety rules and regulations from the work performed by employees of their subcontractors. The decision of *Secretary of Labor v. Preferred Roofing, LLC* is illustrative.

Preferred Roofing LLC is a construction company that operates in the Jacksonville, FL area. Preferred performed commercial, residential and specialty roofing, employing up to seven people, including two repair technicians and administrative staff. Preferred used subs to perform all other roofing jobs. Preferred Vice President James Snead testified that Preferred does not directly supervise the work of its subs if the sub has its own on-site supervision. Mr. Snead would visit jobsites to ensure compliance by subcontractors as to the terms of the contract that would also include compliance with safety standards. If Mr. Snead



had concerns, he would conduct additional spot-checks and he had authority to stop work and correct observed unsafe conditions. Mr. Snead would raise issues with the on-site crew or with the sub's site supervisor.

Preferred had subcontracted with Valor Roofing Company to perform certain roofing work. Prior to entering into

that Preferred had with prior subcontractors complying with safety standards and clean-ups. The contract between Preferred and Valor required Valor to comply with "all statutory and contractual safety requirements," provide its employees with all safety training and safety equipment and required it to notify Preferred with notice of an on-the-job injury. Pursuant to the contract, Preferred retained oversight of the job and required Valor to provide Preferred access to the job site and written progress reports, if necessary. Valor was prohibited from erecting any signs displaying its name on the job.

Within two weeks of Valor's

and notified Valor's owner and on-site supervisor who remediated the issue. At the second

The multi-employer worksite doctrine provides that an employer owes a duty pursuant to the Occupational Safety and Health Act "not only to its own employees but to other employees at the worksite when the employer creates and/or controls the cited condition."

site, Valor was complying with all safety procedures.

Preferred had contracted with a home-owner to re-roof a single-story home in Jack-

sonville and Valor had been assigned to perform the work, which was scheduled to take one day. The roof pitch measured 5:12 and the lower eave was nine feet above ground. On July 18, 2023, OSHA's Compliance Safety and Health Officer Diane Cuyler was driving and observed several men working without fall protection. She conducted an inspection which revealed that three roofers were working a 10-foot to 25-foot-high roof with the 5:12 pitch that were not using any form of fall protection. CSO Cuyler learned that Valor was a subcontractor for Preferred. At the site, she spoke to one of the workers and asked for his supervisor and she was directed to Preferred employee, James Taylor.

Mr. Taylor initially said he was the supervisor and called his supervisor, Mr. Snead. However, Valor's part owner and on-site supervisor, Jarren Stevens, returned to the site and indicated that he had just left the site and had left Mr. Taylor in charge. Afterward, CSO Cuyler met with Mr. Snead and Mr. Taylor. Mr. Taylor denied he was a supervisor at that time.

She also met with Mr. Stevens, who indicated that he had in fact hired a third party to perform the work. CSO Cuyler attempted to contact his alleged

Based on Preferred's overall control of the work and its authority to require compliance with safety requirements, Preferred was deemed the controlling employer and liable for these OSHA citations.

the subcontracts, Mr. Snead and Preferred's chief of operations met with Valor's owner to discuss the subcontracts' terms as well as certain issues

work, Mr. Snead visited two job sites for which Preferred had subcontracted with Valor. At one site, Mr. Snead found a person without fall protection

sonville and Valor had been assigned to perform the work, which was scheduled to take one day. The roof pitch measured 5:12 and the lower eave

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Financial Management

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face additional challenges under Harris's tax plan. She has called for revising global intangible low-taxed income (GILTI) rules, which could raise tax rates on international earnings, and her proposed changes to international tax rules may limit opportunities for firms with overseas subsidiaries.

Former President Donald Trump's tax proposals offer a contrast, focusing on reducing taxes across the board, making the expiring Tax Cuts and Jobs Act provisions permanent, and introducing tariffs that could significantly affect material costs for construction projects. Trump's pledge to reduce the federal corporate tax rate for C corporations from 21% to 20% (or even as low as 15%) would offer an immediate boost to construction firms' cash flow. His plan to make the expiring TCJA provisions permanent (such as the 20% pass-through deduction for S corporations and partnerships) would also benefit small- to medium-sized construction firms, allowing them to maintain favorable tax positions for the foreseeable future.

However, Trump's tariff proposals could present a significant downside for the construction sector. His plan to introduce a baseline 10% tariff on all foreign-made goods, and a 60% tariff on Chinese imports specifically, could sharply raise material costs for construction firms that rely on imported supplies and other building materials. Higher material costs could force firms to increase contract bids, affecting their competitiveness and squeezing profit

margins on projects.

On the labor front, Trump's proposal to eliminate income taxes on Social Security benefits could provide relief to contractors and construction firm employees nearing retirement. While this policy may indirectly reduce payroll costs, the broader impacts on overall workforce compensation structures would need to be closely evaluated. Like Harris, Trump has also proposed measures to promote homeownership, offering tax incentives to first-time buyers. His plan has fewer restrictions on eligibility, and the incentives could generate demand for residential construction—creating new business opportunities for firms engaged in homebuilding.

As construction firms and contractors prepare for the outcome of the 2024 election, they must weigh the benefits and challenges of each candidate's tax proposals. Harris' focus on housing and social equity could create opportunities in certain sectors, but the overall increase in corporate and individual taxes might impact cash flow. Meanwhile, Trump's tax cuts could bolster cash flow, but his trade policies might drive up material costs. Ultimately, construction businesses need to remain agile, planning ahead to navigate whichever tax landscape emerges post-election.

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.

Safety Watch

Continued from page 19

third-party contractor but was unsuccessful. She subsequently issued a two-item citation to Preferred for failing to provide fall protection and for failure to properly secure a portable ladder under OSHA's multi-employer worksite policy.

The multi-employer worksite doctrine provides that an employer owes a duty pursuant to the Occupational Safety and Health Act "not only to its own employees but to other employees at the worksite when the employer creates and/or controls the cited condition." An employer is liable "for violations of other employers where it could be reasonably expected to prevent or detect and abate the violation due to its supervisory authority and control over the worksite." Moreover, a general contractor is recognized as a controlling employer due to its overall supervisory capacity.

Here, Preferred provided and delivered materials necessary to perform the work while Valor provided the equipment and labor. Preferred was responsible for obtaining the

permits, arranging inspections and supplying all plans and designs, and retained the right to inspect and approve the work.

Although the subcontract placed responsibility on Valor for supplying safety equipment and training to its own employees, as per Mr. Snead's testimony, Preferred still had authority to require Valor comply with their safety obligations even if it lacked its own on-site supervisor at the job. Consequently, based on Preferred's overall control of the work and its authority to require compliance with safety requirements, Preferred was deemed the controlling employer and liable for these OSHA citations.

About the author: Costas Cyprus is an 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.

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NYSDOT Report: Route 17 Expansion Alternatives to be Studied Will Cost More Than \$1.3B Each

Continued from page 3
 had also considered a third alternative (“Concept 2”) that called for the construction of a peak period shoulder lane in both directions of Route 17 from Exit 122, Crystal Run Road to Exit 130, NYS Route 208. “The roadway footprint would be widened into the existing 44-foot-wide median area to accommodate the proposed peak period shoulder lane while minimizing right-of-way impacts. Proposed C-D roads would be constructed from Exit 120 to Exit 122 and from Exit 122A to Exit 124,” the report stated.

According to the scoping report although this alternative satisfied the NYSDOT screening activity, “Concept 2 could not be implemented using standard and available resources and technology at this time and thus, will not be advanced for further study in the DDR/DEIS.”

On page 121 of the scoping report, NYSDOT detailed the project cost estimates of the two build alternatives. For the Build Alternative that calls for two lanes with operational improvements, interchange improvements, and mobility and access improvements, the total cost estimate is \$1.302 billion.

For the build alternative that involves the construction of a general use third lane with interchange improvements and mobility and access improvements, the total cost estimate is \$1.412 billion.

New York State Department of Transportation Commissioner Marie Therese Domin-

guez said, “State Route 17 is an important connector between New York’s downstate regions and some of the most popular and fastest-growing regions upstate, including the Catskills and Southern Tier. The scoping report is an important milestone in the environmental review process, but our work is ongoing and we will continue to engage with the community to ensure that the end result is a project that reflects the community’s input and addresses the safety needs of the system.”

Elected officials and business and construction trade organizations expressed continued support for the Route 17 expansion initiative and acknowledged the importance of the study reaching the scoping report milestone.

In a joint statement, Maureen Halahan, President and CEO, Orange County Partnership, 17-Forward-86 Coalition co-chair and Marc Baez, President and CEO, Sullivan County Partnership, 17-Forward-86 Coalition co-chair, said, “Enhancing safety on Route 17 is of paramount importance as our region continues to grow with new business investments, residents and record numbers of visitors. Our infrastructure needs to grow with these developments, and expanding capacity on Route 17 will go a long way toward making the corridor safer for everyone traveling on it.”

Although not part of the improvements currently being studied by NYSDOT, what the department considers as the first phase of the Route

17 improvements will be upgraded to Exit 122 (Crystal Run Road in Middletown).

NYSDOT has scheduled a bid opening for Dec. 19 on the project that calls for further upgrades to Exit 122. Construction on the project, once awarded, should begin in early 2025. NYSDOT officials have estimated the cost of that project at between \$75 million to \$85 million. Initial upgrades to the Exit 122 interchange upgrade were completed in 2015.

NYSDOT reports the anticipated project timeline to be the following:

Notice of Availability of the Draft EIS (DEIS)—August 2025

Public Hearing—September 2025
 45-day DEIS Comment Period (begins with the Notice of Availability of the DEIS)
 August—October 2025

Issue Combined FEIS/ROD—February 2026

Issue all Project Permits and Authorization Decisions (if a Build Alternative is selected)—May 2026

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LOW BIDS

Lauri Li Industries Lands Two Westchester DPW Jobs

WHITE PLAINS—The Westchester County Department of Public Works recently announced the award of two contracts to Lauri Li Industries, LLC of White Plains.

Lauri Li Industries was the lowest of seven bidders at \$1,052,521.00 for the rehabilitation of Lincoln Avenue, C.R. No. 84 from the New Rochelle/Pelham border line to First Avenue, a total distance of approximately 0.46 miles in the Village of Pelham, NY.

Lauri Li Industries was also the lowest of seven bidders at \$3,595,595.59 for roadway milling, resurfacing and additional improvements, Murray Avenue, C.R. No. 74, in the Town of Mamaroneck, NY; McLean Avenue, C.R. No. 127 in the City of Yonkers, NY; South Ridge Street, C.R. No. 54B, in the Village of Rye Brook, NY; and Columbus Avenue, C.R. No. 64-II, in the Town of Mount Pleasant, NY, a total distance of 1.89 Miles.

Bove Industries Lands Retaining Walls Preservation Project in New York City

ALBANY—The New York State Department of Transportation announced recently that **Bove Industries Inc.** of Setauket, NY was the lowest of six bidders at \$4,415,000. for where & when retaining walls preservation at various locations in the Bronx, Kings, New York, Queens and Richmond counties.

Economic Outlook

Continued from page 10

of the economy and their own financial wellbeing. This lack of confidence can lead to reduced consumer spending, which, in turn, slows economic growth. For example, during the 2008 presidential campaign the global financial crisis heightened economic uncertainty, leading to a sharp decline in consumer confidence. Elections can affect consumer behavior in different ways depending on the political and economic context. In 2016, when the U.S. economy was relatively strong, the election had a more moderate impact on consumer confidence compared with the 2008 election, when the country was in the midst of a financial meltdown. Nevertheless, consumers still exhibited caution as many were unsure how the outcome of the election would influence issues such as job security, tax policy, and healthcare costs. This decline in consumer confidence can lead to lower retail sales and a slowdown in sectors that rely heavily on consumer spending, such as real estate and automotive sales. During election seasons, some consumers may delay large purchases, like homes or cars, until after the election when there is more clarity about the future political and economic landscape.

During election campaigns, candidates often make promises about increased government spending whether in the form of infrastructure projects, tax cuts, or social programs. According to political economists, election-year spending tends to increase as incumbents seek to bolster their standing among voters. In the U.S., fiscal stimulus measures, such as tax cuts or increased public spending, are sometimes passed in the run-up to an election to provide a temporary boost to the economy.

One prominent example is the 2020 election, where both major candidates supported various forms of economic stimulus to address the effects of the COVID-19 pandemic. In

this case, the stimulus was largely focused on providing relief to businesses and individuals affected by lockdowns and economic disruptions. While the stimulus measures were primarily aimed at mitigating the economic fallout of the pandemic, the timing of these efforts—just months before the election—had a significant short-term impact on GDP growth and consumer spending. However, while such spending can provide a short-term boost, it often raises concerns about long-term fiscal sustainability. Increased government spending during an election year can lead to higher deficits and debt levels, which may prompt concerns among investors about inflation or future tax hikes. For instance, after the 2012 election, concerns about the U.S. fiscal cliff—a series of automatic tax increases and spending cuts—raised fears about the sustainability of government finances, creating market uncertainty.

The short-term effects of U.S. elections on the economy are profound, driven primarily by uncertainty over potential policy changes and their implications for businesses, investors, and consumers. Market volatility increases as investors react to shifting polling data and policy platforms, while businesses often delay investments until they gain clarity about the election outcome. Consumer confidence can also decline, leading to a temporary slowdown in economic growth. Additionally, election-year spending and fiscal stimulus measures may provide a short-term boost to the economy, though they can raise concerns about long-term fiscal sustainability.

About the author: Michael J. Paton is a portfolio manager at Tocqueville Asset Management L.P. He can be reached at 212-698-0800 or by email at MPaton@tocqueville.com.



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