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October 2024

NESCA Trade Show Coming October 10th

It's Show time! Business owners, managers and supervisors involved in the commercial construction industry who wish to learn about the latest in construction products and services will have the opportunity to engage in some one-stop shopping when NESCA hosts its 43rd Annual Trade Show on Thursday, October 10, 2024 at the Century House in Latham. The Trade Show, which will be held from 4:00 - 8:30 p.m., will expose general contractors, subcontractors, design professionals, facilities managers, developers and others to a wide variety of products and services in virtually every trade category. Specialty gas and welding products, rigging products, water & sewer products, power tools, aerial lifts and scaffold, acoustical products, insulation systems, concrete accessories and products, insurance and bonding services, building materials, fasteners, and equipment rentals are among the many products and services that will be on display at the Trade Show.

All available exhibit space has been sold out for the Trade Show, and total attendance is expected to top 500. NESCA members who have attended the Trade Show in the past know that it is much more than just a trade show, it is an industry event calculated to bring the various segments of the commercial construction industry together for an evening of business networking. Not only that. In addition, we will once again be holding a silent auction, the proceeds of which will be donated to the U.S. Marine Corps Toys for Tots Campaign. A festive atmosphere, great food, interesting door prizes and a chance to raise money for Toys for Tots will make this Trade Show one you won't want to miss! While taking in the exhibits, attendees will be treated to a variety of hors d'oeuvres, carving stations and other great food provided by the Century House. Door prizes will be given away by exhibitors, and a "Super 50/50" drawing will be held, with a guaranteed payout of at least \$1,000 to the winner!

NESCA's condensed 4 ½ hour format, unlimited food and bar, exciting prizes and the chance to see the most complete line-up of construction industry products and services available, has made this the premier commercial construction trade show in Northeastern New York. To register to attend the Trade Show, contact the NESCA office at (518) 869-9800.

Governor Signs New Payroll Reporting Requirements

On September 4, 2024, Governor Hochul signed legislation (Chapter 304 Laws of 2024) that will soon impose new payroll reporting requirements on contractors and subcontractors performing public work as well as for work on certain private "covered projects".

This new law will require contractors and subcontractors to submit, on a monthly basis, certified payroll records directly to the NYS Department of Labor in an electronic format to be prescribed by the Department of Labor. The law will also require contractors and subcontractors to provide documentation of each fund, plan or program where any supplement has been paid or provided for, and to provide a copy of the payment bond required by Section 137 of the State Finance Law. Further, the law requires the Labor Department to develop and implement, by December 31, 2024, an on-line database of certified payroll records submitted by contractors and subcontractors. This database will be publicly accessible but will not include personally identifiable information.

Failure by a contractor or subcontractor to furnish the required payroll records to the Labor Department will result in a penalty of one hundred dollars for each day the contractor or subcontractor is in violation.

As a reminder to NESCA members, a private "covered project" is a private project costing more than \$5 million where the amount of public involvement (through grants, tax abatements, etc.) is at least 30% of the total construction project costs.

The bill sponsors in the Senate and Assembly maintained that this legislation "will provide a more streamlined system for DOL to collect and maintain certified payroll already required by the law" and "will also assist the various public entities, including municipalities, who are responsible for ensuring contractors maintain these records". The bill sponsors also argued that since public work contractors will have to register with the Department of Labor at the end of 2024, it makes sense for the payroll reporting to be included.

This new law took effect on September 4th, but won't be implemented until DOL develops the on-line database.



PRESIDENT'S MESSAGE

NESCA held its 40th Annual Golf Outing on September 9th at Shaker Ridge Country Club, drawing another impressive turnout of 252 golfers. Despite a brief afternoon shower, the day began with ideal weather, allowing participants to enjoy a day of camaraderie on the greens. Among the highlights was a remarkable achievement: John Neal scored a hole-in-one on the par-3 12th hole, winning \$25,000! This marked a historic moment as it is the first hole-in-one in the 40-year history of NESCA's golf outing. My outing wasn't so extravagant. I think a few squirrels and birds shrieked some unpleasanties as I consistently invaded their living space. Congratulations John for this accomplishment! A big thank you goes out to NESCA's Golf Committee, chaired by Brian Carmer, for organizing such a successful event. Additionally, we appreciate Mitch Johnson from The NEFCO Corp. for generously donating his 50/50 winnings of \$950 to the Marine Corps Toys for Tots campaign.

As we transition into fall, NESCA has a host of activities planned. Mark

your calendars for October 10th when we will host our 43rd Annual Trade Show at the Century House. All exhibit spaces were sold out in just two weeks, and we anticipate around 500 members and guests will attend. Attendees can look forward to delicious food and beverages, numerous door prizes, and a chance to win \$1,500 or more in our super 50/50 raffle. The Trade Show serves as a prime opportunity for NESCA members to explore the latest products and services from our suppliers and service providers while networking with industry peers. Once again, we will feature a silent auction, with proceeds benefiting Toys for Tots. If you've never attended a NESCA Trade Show, don't miss out this year. Mark your calendars!

Additionally, NESCA will hold its first regular membership meeting of the year on November 14th at the Century House. This meeting will feature a presentation by Don Hillmann from Couch White, LLP regarding the new contractor/subcontractor registration requirements for NYS public projects, effective December 30, 2024. Don's presentation will be timely in keeping our members informed.

We will also be holding regional membership meetings in October and November for our Mid-Hudson and Binghamton members. On October 17th, we will gather at Coppola's Italian & American Bistro in Hyde Park, and on November 21st, we'll meet at McGirk's Irish Pub in Binghamton.

Our young professionals mixer was another success. This month the mixer was held at Trick Shots Bar, in Clifton Park. This event was held in partnership with AGC and we had over 120 participants for this networking event. The mixers along with AGC over the years has become a staple event for

younger NESCA members. The intent of our mixers is to promote familiarity within the construction industry of its rising members. One of NESCA's recent past presidents, Chris White of Southern Tier Insulations was the first person who came up through our young professionals group, since its start, to become president of NESCA. I'm sure there will be many more to follow.

To recap and keep with the theme of most of my articles: active participation in the NESCA organization is essential for all our members. NESCA offers a range of benefits that can significantly enhance both individual businesses and the industry. In closing, I'll leave you with a list of some reasons I came up with for being involved with NESCA: 1) Networking Opportunities; 2) Access to Resources; 3) Advocacy and Representation; 4) Professional Development; 5) Collaboration and Support; 6) Business Visibility; 7) Staying Informed; and 8) at times community engagement. Can any of these reasons benefit your business? Need I say more?

Bryan Berry, President


NESCA NEWSLETTER

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6 Airline Drive, Albany, NY 12205
(518) 869-9800 www.nesca.org

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BEST PLACES TO WORK



TOP WORK PLACES 2024



COUNSEL'S MESSAGE

The membership is aware that many of these legal columns address issues that necessarily flow from the language used and scope of work within the subcontract with either the General Contractor, Construction Manager or in some instances the project Owner.

The reason for this focus is that most legal disputes flow out of the terms and conditions of the subcontract and the ramifications flowing from the Prime Contract documents through the incorporation by reference clauses. It is hoped that by providing information, the membership can avoid future difficulties by addressing the source at the contract formation stage.

A frequent source of dispute our office is asked to address is what exactly is the scope of work to be performed under the subcontract. It sounds like a simple solution, but it is not.

Many subcontractors attempt to use the proposal or quotation submitted for their work as a scope description.

The difficulty with that is the proposal description may require clarification or has not definitively excluded a scope of work.

The subcontractor's proposal will serve as the base scope of work which subcontractor agreed to perform and should always reference the precise specification section and drawing details involved.

However, if in addition to the subcontractor's proposal, the contractor inserts in the boiler plate of the subcontract additional language such as "subcontractor shall provide all things necessary to perform and complete the scope of work in the contract documents" a dispute may be on the horizon.

The question presented is what is involved and included in the words "all things necessary to complete the work." Where is the described scope? What is meant by "all equipment, material and amount of labor necessary or as required to complete the work"?

In these instance's the precise description of the work to be performed, the precise light fixtures or plumbing fixtures to be supplied, the party responsible for preparatory or finish work needs to be listed. If there is a supply only without installation that should also be stated as excluded.

As always, the membership should be familiar and comfortable with the contractor they are working with on the subcontract. The terms and conditions and work scope should not be something to gloss over under the belief "they are all the same" or "I can't modify anything anyway."

Members are also responsible to themselves to avoid subcontract problems. Read and understand everything! Specify, or exclude, the precise scope of your subcontract responsibilities. Read the prime contract terms and conditions as well as the subcontract terms and conditions in conjunction with the specifications. This investment of time will return the benefit of reducing the potential for disputes on the project!

Walter G. Breakell, NESCA Legal Counsel

Milestone Member Anniversaries

Development Electric, LLC – 5 Years

Gallivan Corporation – 5 Years

R&R Metal Fabrication & Welding – 5 Years

Upstate Benefit Planning, LLC – 10 Years

Jimco Painting – 15 Years

JBS, LLC – 20 Years

Steel Krafts Building Materials & Supplies, Inc. – 40 Years

STS Steel, Inc. – 40 Years

West End Iron Works, Inc. – 40 Years

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Contact: Christina Burniche

Calendar of Events

October 3, 2024

Board of Directors Meeting
Century House, Latham, 6 pm

October 10, 2024

43rd Annual Trade Show
Century House, Latham, 4 pm

October 17, 2024

Mid-Hudson Membership Meeting
Coppola's, Hyde Park, 6 pm

November 12, 2024

Notary Public Seminar
Bldg. Industry Center, 12 noon

November 14, 2024

Board of Directors Meeting
Century House, Latham, 5 pm

November 14, 2024

NESCA Membership Meeting
Century House, Latham, 6 pm

November 21, 2024

Binghamton Membership Meeting
McGirk's, Binghamton, 6 pm

Results of 40th Annual NESCA Golf Outing

First Place Team – Mitch Johnson, Joe Greene, Pat Flanagan, Cam Deloyia
Second Place Team – Steve Hathaway, Chad Goals, Allison Hathaway, Matt Smith

Closest-to-the-Pin Hole #4 – Spencer Sautin

Closest-to-the-Pin Hole #12 – John Neal

Closest-to-the-Pin Hole #16 – Allison Hathaway

Men's Long Drive Hole #5 – Will Baker

Women's Long Drive Hole #5 – Jessica Savignano

Men's Long Drive Hole #13 – Matt Smith

Women's Long Drive Hole #13 – Allison Hathaway

Men's Closest-to-the-Line Hole #18 – Stephen Ryan

Women's Closest-to-the-Line Hole #18 – Lynne Farrell

Morning Putting Contest Winner – Rich Bonaker

Afternoon Putting Contest Winner – Justin Shanno



NESCA's first ever hole-in-one event winner!

Congratulations John Neal for your hole-in-one on Hole #12!



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