



Ditchmen

Online

Underground Utility Contractors of Florida, Inc.

FEBRUARY 2011

UUCF 2011 Annual Convention July 21-24 *(see page 4 for details)*



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UNDERGROUND UTILITY CONTRACTORS OF FLORIDA ANNUAL CONVENTION

July 21 - 23, 2011

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This form is invalid unless received on or before Saturday, June 18, 2011

All rooms are subject to applicable taxes. Group rates and availability for arrivals three days prior and departures three days after above group dates are on a space available basis only. Group rates may not be combined with any other special offer, package or discount. **When reservations are made, the Casa Marina Resort & Beach Club will require a deposit of one night's room and tax by guest check or credit card to be charged upon reservation. An individual's deposit is refundable if the resort receives notice of cancellation three (3) days prior to the scheduled arrival. After arrival, guests departing earlier than reserved will be charged a \$75.00 early departure fee plus tax.** Rooms will be held under the UUCF room block until June 18, 2011. After this time, reservations will be accepted on a space available basis at prevailing hotel rates.

HOTEL RESERVATION FORM (PLEASE TYPE OR PRINT ALL INFORMATION)

FIRST AND LAST NAME COMPANY

ADDRESS

CITY, STATE, ZIP AREA CODE/PHONE NUMBER

E-MAIL ADDRESS FOR CONFIRMATION

ARRIVAL DATE HOUR (Check-in time 4:00 p.m.) DEPARTURE DATE (Check out time 11:00 a.m.) NUMBER OF PEOPLE IN ROOM/SHARING WITH

Please check (X) your preference of the following: KING BED _____ TWO DOUBLE BEDS _____ All rooms are non-smoking.

Handicapped Person(s), please specify any special needs you may require

One night's deposit is required to confirm a reservation. Payment can be made by check or credit card. Check enclosed in the amount of \$ _____.

Please guarantee to: ___ MasterCard ___ Visa ___ American Express ___ Diner's Club ___ Discover

Card Number Expiration Date

Name as on Card Signature

Please return by mail to:
Casa Marina Resort & Beach Club
Attn: Reservations Department
1500 Reynolds Street
Key West, FL 33040

By Fax:
(305) 296-4633
Attention: Group Rooms Coordinator





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UUCF 2011 Annual Convention

Only the Best Survive in Key West

The 2011 UUCF Convention will be held at the Casa Marina in Key West on July 21–24. Built in 1920, Casa Marina, is a flawless merging of old Key West ambiance and contemporary luxury. Immerse yourself in a restful haven where emerald lawns meet a blue Atlantic – welcoming stunning sunrises each day. Come to the "house by the sea" enveloped in breezy elegance and shaded by graceful palms. Enjoy a taste of tropical living at the most legendary choice of Key West hotels and resorts – Casa Marina. Nestled along the southern edge of the island – spanning more than 1,100 feet of private beach. The Casa Marina is a proud new member of the Hilton family, and their level of service remains unsurpassed.

This year's Convention Committee is being chaired by Flo Woodall of John Woody, Inc. in Jacksonville. The theme of this year's convention is "Only the Best Survive in Key West."

The UUCF office is in the process of soliciting the 2010 Platinum and Gold Sponsors to return in 2011.

To become a Platinum Sponsor, the cost is \$3,000.00. Platinum Sponsors are entitled to the following benefits:

- Platinum Sponsor company name will appear alphabetically on all flyers and registration forms regarding the convention.
- A handsome banner with your company's logo will be displayed at all major functions during the convention.
- Each Platinum Sponsor will have an exhibit board to display information pertaining to their company in the registration room during the convention.
- A profile of your company will be included in the convention program and printed in one month's issue of



the *Ditchmen*.

- One reserved table at the Friday and Saturday night dinners.
- Special name tags displaying "Platinum Sponsor" to all employees of your company in attendance.
- First option on returning as a sponsor for the 2012 Annual convention.

If your company is interested in becoming a Platinum Sponsor, please contact the UUCF office at

(407) 830-1880.

To become a Gold Sponsor, the cost is \$1,500.00. Gold Sponsors are entitled to the following benefits:

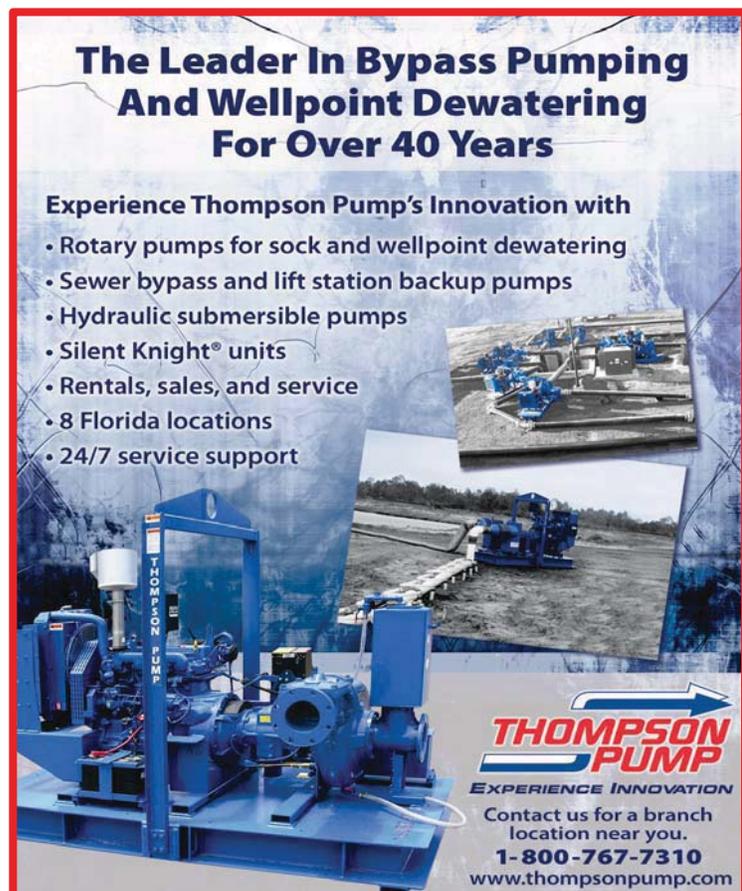
- Your company's name added to a handsomely printed sponsor sign which will be displayed at the Thursday, Friday and Saturday night events (i.e., UUCF 2011 Annual Convention Gold Sponsors: "Your Company Name". All companies will be listed in alphabetical order on the signage).
- Your company name listed with other Gold Sponsors in our convention program which will be given to all attendees.
- First option on returning as a Gold Sponsor for the 2012 Convention.

(Continued on Page 6)

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CGA Excavation Safety Conference & Expo

The CGA Excavation Safety Conference & Expo will be held on March 8 – 10, 2011 at the Caribe Royale Hotel & Convention Center in Orlando. Thursday, March 10, 2011 is Safety Day from 8:00 a.m. – 2:00 p.m. Please [click here](#) for additional information.

Joey Logano, driver of the #20 Home Depot Camry, will be appearing Wednesday morning.

Guest Speaker Eric Giguere will speak from 8:00 a.m. – 9:00 a.m. On the morning of October 4, 2002, Eric Giguere headed to work on what appeared to be a normal day on the job. Eric worked as a laborer for a construction crew installing water lines in a rural setting. What happened that day in the blink of an eye changed his life forever. Come hear his terrifying account of what happened when a trench collapse occurred and buried him alive. Don't let this happen to you.

For additional information or to register for the CGA Excavator Safety Conference & Expo, please [click here](#).

The CGA Excavation Safety Conference & Expo brings together stakeholders from throughout the

industry to share ideas, learn from the experts and gather information on industry trends and technologies.

- More than 50 conference sessions!
- Over 100 exhibits & demonstrations!
- In-depth workshops!
- Networking functions!
- Underground Safety Summit!
- Learn from industry leaders!
- Common Ground Alliance (CGA) Annual Meeting
- And much, much more!

There will be more than 100 exhibits dealing with the latest technologies and practices in the underground utility industry, with a focus on damage prevention and safe excavation. We bring together exhibits and demonstrations plus exciting after-hours networking functions. Take advantage of the most current market information, discuss issues affecting the underground utility and construction industries, and participate with a worldwide audience.

The CGA Excavation Safety Conference and Expo includes hands-on workshops with an in-depth look at underground excavation safety.

Workshops include:

- Damage Investigation Workshop (Full Day Workshop)
- HDD Consortium's Horizontal Directional Drilling Good Practices Guidelines (Full Day Workshop)
- Locator Workshop (Half-day afternoon workshop)
- Locator Workshop (Half-day morning workshop)
- Subsurface Utility Locating & Marking Workshop (Full Day Workshop)

The following is a list of some of the Conference Sessions that will be presented:

- 811 or 911 . . . Change One Little Number and Your Whole World Changes.
- Assisting Stakeholders in Damage Reduction
- Damage Claims Avoidance for Excavators
- Trench and Excavation Safety – OSHA Requirements for Engineered Protective Systems in Underground Construction
- What's in a Ditch?
- WINNING YOUR CASE: The Keys to Successfully Investigating and Documenting Your Claim
- Work Zone Safety in Utility Construction

(Continued on Page 21)

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February 21 & 22, 2012
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UUCF

**The
Underground Utility
Contractors of Florida
2011 Annual Convention**

**Casa Marina
Key West
July 21-24**

**2011 Gold Sponsors
Linder Industrial Machinery Company**

**Watch future issues of the *Ditchmen*
for additional information.**

**(UUCF 2011
Convention Only
the Best Will
Survive in Key
West
Continued from
Page 4)**

If your company is interested in becoming a Gold Sponsor, please contact the UUCF office at (407) 830-1880.

The 2011 Convention Hotel Reservation Form can be found on page 2 in this issue of the *Ditchmen*.

The room block for

the UUCF Convention expires on Saturday, June 18; however, we strongly encourage everybody to make your hotel reservation(s) as soon as possible. This year's Convention Committee has secured a run of the house guest room rate of \$219.00 per night, single/double occupancy, Island Vista room rate of \$219.00 and Ocean Vista room rate of \$299.00.

The Convention Committee is still working on the details for the convention; however, there will be continuing education seminars, roundtable discussions, a Chinese Raffle and Silent Auction.

We hope the above information explains a little bit more about the UUCF 2011 Convention. Please watch for more details in e-mails or future issues of the *Ditchmen*.

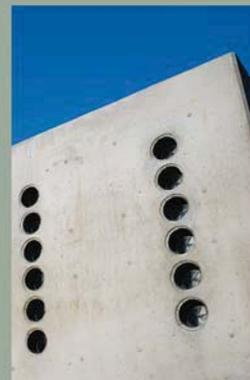


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Amendment 4 Has Been Defeated!

That is music to my ears. The voters of Florida saw through this attempt to hijack our political process.

Amendment 4 (Hometown Democracy) has been on the UUCF radar since 2004 because it had the potential of having a devastating effect on Florida's economy if passed. In the years and days leading up to November 2, 2010, it became very apparent that, based on the facts, this amendment would have a negative effect on jobs, taxes, growth and our voting system.

The UUCF PAC stepped up to the plate with a \$5,000 donation to "**Citizens for Lower Taxes & a Stronger Economy**" which was to be used for a statewide campaign against Amendment 4. **IT WORKED!!**



We can all breathe a collective sigh of relief . . . for now. But, we will face many new challenges in the future that will require an abundance of dedication and effort in order to protect the industry we love, an industry that provides for our families and an industry that we have poured our hearts and souls into.

The UUCF PAC will continue to work for its members, but now it's time for the members to give back to the

UUCF PAC. UUCF PAC Chairman Bruce Wendorf is asking every single member to contribute \$40.00 to "Rebuild and Reload" the UUCF PAC and help replenish the \$5,000 we committed to help save our industry and state.

The next threat to our industry is right around the corner. Let's be ready for the fight with a strong UUCF PAC.

By April 2011, the new headline will read - "**THE PAC IS BACK!**"

If you have any questions or need additional information, please do not hesitate to contact the UUCF PAC office at (407) 830-1880. If you would like to contribute \$40.00 to "Rebuild and Reload" the UUCF PAC, please make check payable to UUCF PAC and mail to 231 West Bay Avenue, Longwood, FL 32750-4125.

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Nekkid Super Models

By — George E. Spofford, IV

Glenn Rasmussen Fogarty & Hooker, P.A.

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A title like “Nekkid Super Models” ought to get your attention, and we well know that a title like “Pre-Bid Protests and Post-Bid Protests” is a guaranteed snoozer. In January 2010 *Ditchmen* published an article about bid protests and specifically the 72 hour/10 day rule. It was a riveting subject, but some of you may have nodded off before finishing the article. So, for 2011, we have updated the subject and added lots of nekkid super models with the hope more people will read about bid protests. Ten minutes reading this article might enable you to win a contract in 2011 that you really need.

The majority of construction work currently being performed is in the public sector via the competitive bid process. Although nekkid super models have not yet started bidding for public contracts, we still have more contractors fighting for fewer contracts than we did a few years ago. (If nekkid super models start bidding for the work, at least the lettings will be entertaining for the 37 unsuccessful bidders seeking that “fat” \$50,000 manhole relining job.) Under the public contract competitive bid process, there are certain rules that are intended to ensure that the contract is awarded in a fair manner. For example, there are usually deadlines that must be met in order to preserve a bid protest. If you are the low bidder, are aware of the deadlines, and can keep your mind off of nekkid super models, then you might be able to defeat a protest by the second low bidder and keep your project. By the same token, if you are the second low bidder with legitimate grounds to protest but a deadline is

missed, then your protest cannot succeed. If you are a nekkid super model, you need to call my office and make an appointment to discuss this further.

The main thing to keep in mind regarding bid protests is that the protesting bidder must act as soon as the bidder becomes aware of the potential problem with the bid. If the bidder fails to put the owner on notice of the protest, then the bidder could lose its right to protest. The Florida Administrative Procedures Act (APA) governs bid protest procedures when the public owner is the State or a State agency, and the APA provides specific deadlines that must be followed whether protesting a bid prior to the letting or afterwards. The APA does not apply to municipalities and counties unless they have expressly adopted the APA bid protest procedures as their own. Nonetheless, even if a county or municipality has not expressly adopted the APA bid protest procedures, many of them have created their own bid protest procedures modeled after the APA. Thus, familiarity with the APA procedures is helpful and we will use the APA as the foundation for this discussion of bid protest procedures.

The APA addresses two types of protests: **Pre-bid protests**, and **post-bid protests**. Pre-bid protests are sometimes referred to as “specification protests”. When they think of a bid protest, most contractors think of a post-bid protest which takes place after the bids have been opened. The APA, however, also addresses pre-bid protests which must be filed before the bids are opened. For example, if prior to the opening of the bids, a

bidder becomes aware of a defect such as ambiguous specification, an improper requirement that equipment be obtained from a sole source, or perhaps an improper restriction regarding who may submit a bid, then the bidder is obligated to notify the owner of the defect prior to the letting.

Pre-bid protests must be filed prior to the letting so that the public owner has an opportunity to correct the problem. The APA states that when a potential bidder becomes aware of a problem prior to the bid, the bidder must notify the owner **within 72 hours** of receipt of the bid documents and then provide a formal written protest **within 10 days** of providing the notice of intent to protest. This is commonly referred to as **the 72 hour/10 day rule**. Failure to meet these deadlines can mean the right to protest is lost. The intent of the pre-bid protest procedures is to avoid wasting time on a defective letting. If the defect can be fixed prior to the letting, then that is the desired solution rather than waiting until the bids have been submitted. Unfortunately, many times by the time a bidder realizes that the specification is defective or bidder pool is overly restrictive, more than 72 hours has passed since the bid was advertised and the chance to protest has been lost. The staff you have assigned to look for potential projects to bid needs to be aware of the 72 hour/10 day rule, because it is those people who are in a position to catch the problem before it is too late.

The 72 hour notice of intent to protest can be as simple as a one

(Continued on Page 14)





Efforts to Repeal Rule for Businesses to File 1099 For Small Vendor Transactions

Last month, we informed you about the controversial provision that was passed in the the federal health care law in December 2010 which will greatly increase recordkeeping and forms processing for businesses. Starting in 2012, section 9006 of the Affordable Care Act will make two big changes: (1) payments businesses make to corporations will no longer be exempt from having to issue a 1099 and (2) the types of payments that will require a 1099 are significantly expanded. Basically, businesses will be required to issue 1099s on all payments to and purchases from any taxable entity, if the payment is more than \$600 in a calendar year. In January, both the House and

Senate have introduced legislation which would repeal the expanded Internal Revenue Service (IRS) Form 1099 reporting requirements included in last year's health care reform bill. All Republicans and most Democrats, including the president, support repealing the provision.

Senate Finance Committee Chairman Max Baucus (D – Montana) has introduced and pledged to pass a bill (S.72) repealing the expanded 1099 reporting requirements. A similar bill (S.18 entitled the “Small Business Paperwork Elimination Act of 2011”) has been introduced by Senator Mike Johanns (R – Nebraska), but — unlike the Baucus bill — includes a deficit-neutral offset. The Johanns bill

already has 60 co-sponsors while the Baucus bill has 72 co-sponsors. A House version of the Johanns bill (H.R.4) has 271 co-sponsors but has not yet been scheduled for a vote. Businesses — especially small businesses — have been unanimous in their opposition to the new 1099 requirement.

Currently, businesses have to issue IRS Form 1099 on all unincorporated businesses for services over \$600. Under the new law, payments to corporations will no longer be exempt from reporting and will require a 1099 to be issued.

As additional information becomes available, we will update the membership.



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* Substance Abuse and Mental Health Services Administration (SAMHSA). Nationwide study 2007



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UUCF to Hold Board and Committee Meetings in Tallahassee

The 2011 Legislative Session will begin on March 8. The Underground Utility Contractors of Florida (UUCF) Board of Director's and Committee Meetings will be held in Tallahassee while the state legislature is in session. The date is Monday, March 21, 2011. As with every board meeting, UUCF members are invited to attend. However, this is a special invitation to all UUCF members to attend this "legislative session" Board of Director's Meeting.



the halls of the Capitol and meet with their local representatives and senators. Attendees will be briefed on the issues to discuss with their legislators during the Legislative Briefing on Monday, March 21, 2011.

The UUCF room block at the Doubletree Hotel Tallahassee has expired. If you are needing a hotel, you will now have to pay the prevailing room rate. You can still make a room reservation by contacting the hotel directly at (800) 222-8733. Make your room reservation now as Tallahassee is busy this time of year.

The UUCF Executive and Convention Committee Meetings and Board of Director's Meeting will be held on Monday, March 21, 2011 at the Governors Club located at 202 South Adams Street in Tallahassee. The Executive and Convention Committee Meetings will be held

from 10:00 a.m. – 12:00 noon, lunch will start at 12:00 noon and the Board of Director's Meeting and Legislative Briefing will be held from 12:30 p.m. – 4:00 p.m.

On Tuesday, March 22, 2011, attendees are encouraged to walk

Don't forget to make appointments with the senators and representatives from your district on Tuesday, March 22, 2011.

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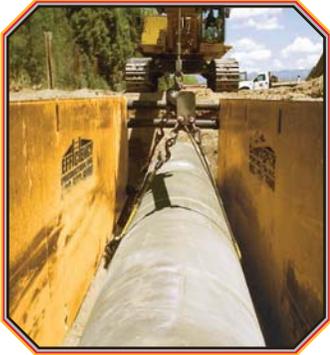
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DBPR Licensing Process Better, Faster, Easier

DBPR continues to make the licensing process better, faster and easier. They have long been aware that moving the licensing process to an online environment would provide a better option for licensees, but until recently, a major impediment to moving the entire operation to an online system has been their inability to accept supporting documents electronically. DBPR took the necessary first step in upgrading their online services to fix this problem. They had been working with an outdated system, so the upgrade was very necessary and will, in time, become a huge improvement for customers. It will help DBPR achieve their mission of licensing efficiently and regulating fairly. It will be a good change.

It is, however, still a change. The upgraded system is new and a little different because it requires each customer to re-create their online profile, using their e-mail address as their new customer ID. After a new profile is created, the system automatically transfers all data associated with the old account (or multiple accounts) into the new profile. In addition to allowing DBPR to expand the number of things they can do electronically, the new system solves a problem that has plagued thousands of people who had licenses with them: it uses a customer's e-mail address as their online ID rather than the randomly generated number in the old system that was very difficult for people to remember.

Many people have found this upgrade process confusing, so DBPR staff updated the website with better instructions for the steps necessary to create the new account.

The system will also offer other significant benefits. Users can receive registration confirmation via e-mail and retrieve a forgotten password. You'll be able to get answers to eligibility questions to ensure you are using the correct application, and you'll be able to log in and finish an incomplete application if you weren't able to complete the application when initially applying. You'll be able to check your application status and

(Continued on Page 16)

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Contractor Article of the Month: Florida Roads Contracting

Florida Roads Contracting is a full site work, roadway and underground utility contractor. As a licensed general and utility contractor, they are FDOT certified and pre-qualified with JEA and the City of Jacksonville.

From the date of incorporation in November 1985 until June of 1998, the corporation was virtually a holding company for various investments in related party partnerships. In June 1998, the corporation began to pursue its current endeavors of earthwork, paving, grading, underground utilities and other types of land construction and development in Duval and surrounding counties. Florida Roads has constructed



various size projects from one to four hundred acres, residential (multi and single family), commercial and city. They have in house survey, trucking, as well as utility, concrete, earthwork, roadway and grading crews.

Florida Roads is proud of the fact

they are a family oriented company that cares about each of their employees and realize how important the employee's role is to the success of the company. Florida Roads employees live by the seven company values which are, Keep each other physically and emotionally safe, Encourage each other, Build trust and respect for each other, Work together as a team towards common goals, Work on effective communication, Listen and be open to other's ideas, opinions, etc., and Enjoy your work. With these values as their guide, Florida Roads Contracting dedicates itself to its community, customers and employees by providing professional service and quality workmanship, delivered in a safe, timely and cost effective manner.

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**(Nekkid Super Models
Continued from Page 8)**

paragraph letter putting the owner on notice that you think there is a problem with the bid. Even if the owner fails to act on your notice, at least you have preserved your right and have gained an additional 10 days within which to evaluate the merits of the protest. The formal protest that is due in 10 days generally requires more effort than the notice of protest because it must specifically identify the facts and legal authority supporting the protest.

The APA also defines when a post-bid protest must be filed. The initial notice of intent to protest is to be delivered to the public owner within 72 hours of the owner's publication of the bid results and intent to award. Then, the APA states that the upset bidder must deliver a formal written protest within 10 days of the notice of intent to protest. Failure to meet either of these deadlines will mean the protest is waived. The

procedures governing a protest of a State contract are easy to identify, because the APA controls. But, what is a bidder to do if the owner is a municipality or county or some other public agency where the APA may not apply? A wise first move is for the bidder to simply call the

Registered Contractor License Renewal Reminder

Just a reminder that the Registered Contractor licenses from the Department of Business and Professional Regulation (DBPR) are up for renewal on August 31, 2011. Current law requires licenseholders to obtain 14 hours of continuing education with at least one hour in workplace safety, one hour in workers' compensation, one hour in business practices, one hour in the advance building code module, one hour in laws and rules (Chapter 489) and one hour in wind mitigation (this requirement only affects general, residential, building, roofing and glass and glazing contractors).

Don't forget to notify the DBPR office of any address change. Section 489.124(2) gives sole responsibility to the licensee for notifying DBPR in writing of the licensee's current mailing address and phone number.

Failure to notify the department of a change of address shall constitute a violation of this section. In addition, if your address changes and you do not notify the department, you may not receive important mailings from the department such as your renewal notice.

(Continued on Page 24)

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President's Message



On February 3, SUCA had their membership meeting at the St. Pete Yacht Club. They presented SUCA's Longevity

Awards for the 20 plus years of membership to nine of their contractor members. Our congratulations to your nine 20 year members along with all of the members that make up SUCA. SUCA is a big part of UUCF, and it is an honor to be able to work with your state representatives Larry Falls, Ken Wachman and Misty McKendree.

I would like to address a few topics this month. Bruce Wendorf, UUCF PAC Chairman, is working on our Rebuild and Reload Campaign to build up the UUCF PAC account for the 2012 elections. We are asking each member to contribute \$40 to the UUCF PAC which will replenish the \$5,000 spent last year to defeat



Amendment 4. Also, we have six other clubs that you can contribute to. This past year, we were very successful legislatively and need to rebuild our war chest.

I would like to invite you to fish the UUCF/ASJMSF Bass Fishing Tournament. It is being held at the Big Toho Marina in Kissimmee on February 25-26. If you need information, please call the UUCF office and either Julie or Tresa will be able to help. This is the only fundraiser of the year, and the proceeds benefit scholarships to UUCF members. These scholarships have helped many of our members' families defray their child's collage expenses. Since its inception in 2000, the UUCF/

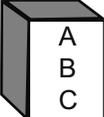
ASJMSF has given away \$177,500.

This month, Kathy Blackman, Bruce Kershner and I will be working on a Membership campaign. The plan is to get a list of companies that you do business with and invite them to join your chapter and UUCF. Our idea is they are doing business because your company is in business. Today, your company is probably doing business because of federal, CDGB or SRF funds. This money comes from the lobbying of our state officials, NUCA and other construction industries. When your Executive Director calls, please help them with potential members. We will all win from this effort.

Please continue doing business with your chapter and UUCF members.

Sincerely,

Bill Lee
UUCF President

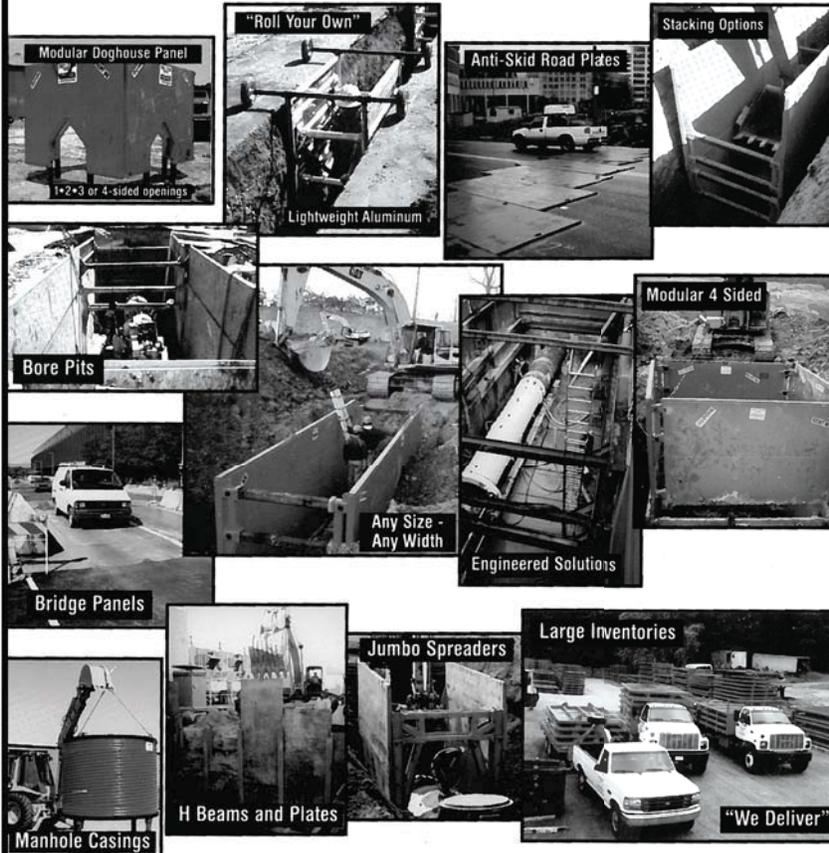
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 <p>www.abcutting.com aspblcon@aol.com</p> <p>ASPHALT BLACK CONCRETE</p> <p>CUTTING CONTRACTORS, INC. 1571 Main Street, Atlanti Beach, FL 32233</p> <p>JONTHAN "CHIP" BOYD</p> <p>(904) 246-1656 • FAX (904) 246-7084 • TOLL FREE 1-888-254-9751</p>	<p>Safe digging is no accident. Always call 811 before you dig.</p>  <p>Know what's below. Call before you dig.</p>  <p>www.callsunshine.com</p>	<p>ADS YOUR SOLUTIONS PROVIDER</p> <ul style="list-style-type: none"> • N-12" Pipe • Low Head Irrigation Pipe • SaniTite® Pipe • Arc™ Leachfield Chambers • Nyloplast® • Geosynthetics • StormTech® • MEGA GREEN™ Recycled Pipe <p>www.ads-pipe.com 1-800-821-6710</p>
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Division of Workers' Compensation Offers Free Classes

The Florida Department of Financial Services, Division of Workers' Compensation, is offering free classes regarding Florida's workers' compensation laws and workplace safety to business owners, licensed contractors and employers.

Workers' compensation topics covered include:

- Review of Key Statutory Definitions
- Contractor Responsibilities
- Exemptions
- Insurance Coverage Requirements
- Enforcement Provisions

Workplace safety topics presented by OSHA (U.S. Dept. of Labor, Occupational Safety and Health Administration) include:

- Direct and Indirect Costs
- Inspections
- Florida Fatalities

The following is a list of class locations, dates and times for future sessions.

February 24, 2011

Orlando
State Office Building, Hurston
Complex
400 West Robinson Street, South
Tower, Conference Room C & D
Orlando, FL 32801

March 10, 2011

Jacksonville
Florida Dept of Law Enforcement
921 North Davis Street, Building E,
Room A
Jacksonville, FL 32209

March 11, 2011

West Palm Beach
Central Career Center

1951 North Military
Trail, West
Palm Beach, FL
33409

March 15, 2011

Tallahassee
Southwood
Complex, Betty
Easley Conference
Center
4075 Esplanade
Way, Room 180
Tallahassee, FL
32399

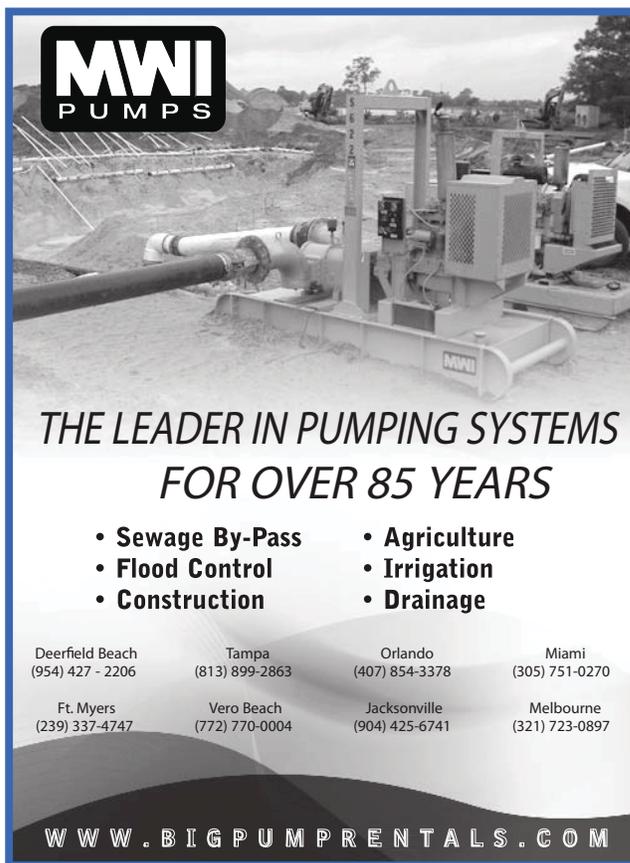
These seminars are open to all licensed contractors, business owners and employers. The Division of Workers' Compensation is an authorized provider (Provider Number: 0004354) for continuing education purposes through the CILB.

Course Number: 0010118 – one hour satisfies the workers' compensation requirement and Course Number: 0010630 – one hour satisfies the workplace safety requirement.

Advanced registration is required. The form is available on the Division's website at www.myflorida.cfo.com/WC. For additional information, e-mail bocseminars@MyFloridaCFO.com, or call (813) 221-6518.

2011 NUCA Officers Elected at EXPO '11

In January in Puerto Rico, Dan East (Reynolds Southwest, Inc., Albuquerque, NM) handed the reins of NUCA's Board Chairmanship to **Ryan Schmitt (Petticoat-Schmitt Contracting, Jacksonville, FL)** Other officers elected at the annual meeting were: Chairman-Elect Jim



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Barron (Ronkin Construction Inc. Joppa, MD); Vice Chairman Florentino Gregorio (Anchor Construction Corp., Washington, D.C.); Treasurer Ronald T. Nunes, (R.T. Nunes & Sons Inc., West Warwick, RI); and **Secretary Bruce Wendorf, (Forsberg Construction Inc. Punta Gorda, FL)**. Dan East, remains an officer as Immediate Past Chairman and NUCA's Bill Hillman (Fairfax, VA) was elected again to serve as Assistant Secretary and CEO.

Incumbent Board members include: Lane Berg, Pipecon Corporation (FL); Chuck Dimick, Dimick Development Co., (NV); Richard R. Harp, Richard R. Harp Excavation, Inc., (GA); Chad Reed, Teal Construction Inc., (DE); Jeff Rumer, Underground Infrastructure Technologies, (CO); Mark Scoccolo, SCI Infrastructure Technologies, (WA); Keith Steen, P.F. Moon and Company, Inc., (GA); Brad Wegner, Midlands Contracting, Inc., (NE); Andy Wolf, Foley Construction Co., (IA); Albert Heckmann, Heckmann Sales & Leasing Inc., (OH); Roger B. Mohr, John Deere Construction

(Continued on Page 21)





Calendar of Events

UUCF

- Mar. 21 Board of Director's Meeting,
Governors Club, Tallahassee
- Mar. 22 Tallahassee Summit, Tallahassee
- June 3 Board of Director's Meeting, Orlando
- July 21 Board of Director's Meeting,
Casa Marina Resort & Beach Club, Key West
- July 21-24 Annual Convention,
Casa Marina Resort & Beach Club, Key West
- Sept. (TBA) President's Cup Golf Tournament
- Nov. 4 Board of Director's Meeting, Orlando

Northwest Florida UCA

- Mar. 10 Board of Director's Meeting, Pensacola
- Mar. 17 General Membership Meeting, Pensacola
- Apr. 14 Board of Director's Meeting, Pensacola
- Apr. 28 Golf Tournament, Pensacola
- May 12 Board of Director's Meeting, Pensacola
- June 9 Board of Director's Meeting, Pensacola

NUCA of Southwest Florida

- Mar. 17 General Membership Meeting,
Holiday Inn, Gulf Coast Town Center, Fort Myers
- Apr. (TBA) General Membership Meeting
- May (TBA) Golf Tournament
- June 16 General Membership Meeting,
Holiday Inn, Gulf Coast Town Center, Fort Myers
- July 21 General Membership Meeting,
Holiday Inn, Gulf Coast Town Center, Fort Myers
- Aug. 18 General Membership Meeting,
Holiday Inn, Gulf Coast Town Center, Fort Myers
- Sept. (TBA) Fishing Tournament
- Oct. 20 General Membership Meeting,
Holiday Inn, Gulf Coast Town Center, Fort Myers
- Nov. (TBA) Board of Director's Meeting
- Dec. (TBA) Christmas Party

SUCA

- Mar. 3 Membership Mixer,
Tampa Improv, Ybor City
- Mar. 19 Annual Family Barbecue,
Starkey Ranch, Odessa
- Mar. 23-25 Florida Advanced Maintenance of Traffic
(MOT) Seminar, Hampton Inn and Suites,
Clearwater
- Mar. 25 . Florida Advanced Maintenance of Traffic (MOT)
Refresher Seminar, Hampton Inn and Suites,
Clearwater
- Apr. 7 General Membership Meeting,
Temple Terrace Golf Country Club, Tampa
- May 12 Membership Mixer
- June 2 General Membership Meeting,
Imperial Lakewoods, Palmetto
- June 17 Scholarship Golf Tournament,
Eagle Golf Club, Odessa

- July 14 Scholarship Night,
Columbia Restaurant, Ybor City
- Sept. 8 Membership Mixer,
Howl at the Moon, Channelside
- Sept. 15 Fish Fry, Largo Central Park, Largo
- Oct. 6 Annual Meeting & Elections
- Oct. 21 Clay Shoot,
Tampa Bay Sporting Clays, Land O'Lakes
- Nov. 3 Membership Meeting & Installation of
2012 Officers & Directors, Rusty Pelican, Tampa
- Dec. 3 Year End Banquet

UCA of North Florida

- Mar. 8 Executive Committee Meeting
- Mar. 17 Board of Director's & General
Membership Meeting Meetings
- Mar. 28 Annual Golf Tournament,
Deerwood Country Club
- Apr. 12 Executive Committee Meeting
- May 10 Executive Committee Meeting
- May 19 Board of Director's Meeting
- May 19... Jacksonville Suns vs. Mississippi Braves Game,
Baseball Grounds of Jacksonville
- June 14 Executive Committee Meeting
- July 12 Executive Committee Meeting
- July 28 Board of Director's & General
Membership Meeting Meetings
- Aug. 9 Executive Committee Meeting
- Sept. 13 Executive Committee Meeting
- Sept. 22 Board of Director's & General
Membership Meeting Meetings
- Oct. (TBA) Fishing Tournament,
Sister's Creek Marina/City of Jacksonville
- Oct. 11 Executive Committee Meeting
- Nov. 8 Executive Committee Meeting
- Nov. 17 Board of Director's & Election of
Officers Meetings
- Dec. 13 Executive Committee Meeting

NUCA

- May 10-12 Washington Summit,
Holiday Inn Hotel and Suites, Old Town Alexandria, VA

Sunshine State One Call of Florida, Inc. (SSOCOF) Meetings

- Mar. 8-10 . CGA Excavation Safety Conference & Expo,
Caribe Royale Hotel & Convention Center, Orlando
- Mar. 18 Executive Committee Meeting,
DeBary Call Center/Conference Call
- May 19 Annual, Board of Director's and Committee
Meetings, DeBary Call Center
- May 20 Golf Tournament, DeLand
- June 17 Executive Committee Meeting,
DeBary Call Center/Conference Call
- Aug. 18 Committee Meetings
- Aug. 19 Board of Director's Meeting
- Sept. 16 Executive Committee Meeting,
DeBary Call Center/Conference Call





Nov. 17 Committee Meetings, DeBary Call Center
 Nov. 18 Board of Director's Meeting,
 DeBary Call Center
 Dec. 16 Executive Committee Meeting,
 DeBary Call Center/Conference Call

Construction Industry Licensing Board Meetings

Feb. 9-11 Embassy Suites Tampa/USF,
 Tampa, FL
 Mar. 9-11 Embassy Suites Orlando-North,
 Altamonte Springs, FL
 Apr. 13-15 Hampton Inn & Suites Amelia Island,
 Fernandina Beach, FL
 May 11-13 Embassy Suites - Fort Lauderdale,
 Fort Lauderdale, FL
 June 8-10 Crowne Plaza Jacksonville Riverfront,
 Jacksonville, FL
 July 13-15 Gaylord Palms Resort & Convention
 Center, Kissimmee, FL
 Aug. 10-12 Embassy Suites Tampa/USF,
 Tampa, FL
 Sept. 14-16 TBA
 Oct. 12-14 Gaylord Palms Resort & Convention
 Center, Kissimmee, FL
 Nov. 9-11 Hampton Inn & Suites Amelia Island,
 Fernandina Beach, FL

**(CGA Excavation Safety Conference & Expo
 Continued from Page 5)**

- Working Safely Around Pipeline Crossings
- YOU THE JURY - Trial Of An Underground Utility
 Damage Claim

The Caribe Royale Hotel & Convention Center room rate is \$189.00 per night (plus tax).

To make your own hotel reservation directly, please [click here](#).

To see more about the Caribe Royale All Suites Hotel, please [click here](#).

For directions to the Caribe Royale All Suites Hotel, please [click here](#).

**(2011 NUCA Officers Elected at EXPO' 2011
 Continued from Page 19)**

Equipment (IL); and Kevin Cripps, Distribution Construction Co., (NC).

Newly elected Board members include: Kari Biernacki, AUI (NM); Mike Donatelli, Site Tech Corp. (RI); Glenn Ely, PKF-Mark III (PA); Mark Fuglevand, Marshbank Construction, (WA); Kara Habrock, LG Roloff Construction (NE); Bill Martinak, Emery & Sons Construction, (OR); Lewis Long, Volvo Construction Equipment, (NC); and Thomas O'Rourke, Underground Inc., (NV).

**Sunshine State One Call of
 Florida, Inc.
 2011 Holiday Calendar**

Memorial Day05/30/11
 Independence Day07/04/11
 Labor Day09/05/11
 Thanksgiving Day11/24/11
 Day after Thanksgiving Day11/25/11
 Christmas Eve12/23/11
 Christmas Day12/26/11

SSOCOF's business hours are Monday through Friday from 7:00 a.m. to 5:00 p.m. **Please keep the above dates in mind when calling for locates two business days prior. The law now requires two full business days prior to digging.**



2011 FDOT Letting Date

February 23	March 30
April 27	May 25
June 22	July 27
August 31	September 28
October 26	
	December 7

2012 FDOT Letting Date

January 25	February 29
March 28	April 25
May 23	June 20





Chapter News

Northwest Florida UCA

In an effort to achieve uniformity, chapters across the country are rebranding with the NUCA logo. Our chapter will now be known as NUCA of Northwest Florida and will begin using the new logo in March. The logo/name is the only change – each individual chapter will continue to operate autonomously.

Northwest Florida UCA Annual Sponsorships are available in four different levels: **Platinum** – \$500.00, **Gold** – \$350.00, **Silver** – \$250.00 and **Bronze** – \$150.00. Sponsors receive a listing in each month's newsletter, as well as signage posted at all events. In addition, a 10% discount is received for two attendees at all chapter functions. Sponsorships are available to members and non-members alike. This would be an excellent opportunity for companies to show their support of our industry through such a sponsorship. Deadline to become an Annual Sponsor is February 20.

SUCA

Nine contractor member firms were recently awarded with the 'SUCA Longevity Award' on February 3, 2011 at the St. Petersburg Yacht Club. The 'Longevity Award' is given to SUCA members with 20+ years of continuous membership in SUCA. SUCA is grateful for the many years of dedication from the following award recipient firms: Ajax Paving Industries of Florida, All American Concrete, Dallas 1 Corporation, David Nelson Construction Co., Kamminga & Roodvoets, R. E. Purcell Construction Co., Rowland, Inc., Westra Construction Corp. and Woodruff & Sons, Inc.

SUCA's Community Affairs Committee made a contribution to the 'Joshua House' with proceeds from the January membership mixer raffle and proceeds of the February raffle will be donated to the 'Heroes of the St. Pete Police'. Thanks to the extreme generosity of SUCA members.

SUCA's March membership mixer will be held Thursday, March 3, 2011 at the Tampa Improv in historic Ybor City. Advance reservations are required by phone, fax or e-mail. The cost is \$35.00 per person and includes dinner and a show ticket to see comedian Mark Shoemaker. This meeting is strictly for networking, catching up and having a good time! Please feel free to bring a date. We will have an entire balcony area to ourselves during the mixer and show.

The annual SUCA Family Barbecue is scheduled for Saturday, March 19, 2011 at Starkey Ranch in Odessa. This event is a long time favorite, attended by 300–400 people each year. This is a day of fun, relaxation and great food for the whole family! In addition to the fabulous food and drinks (including soda, beer & wine open bar), all in attendance will enjoy an equipment display, hay rides, bounce house, choo-choo train, petting farm and DJ. A horseshoe tournament, sponsored by Florida Gas & Electric Corp., will award cash prizes to the winners. Door prizes, sponsored by Professional Shoring & Supply, will include two tickets to the Jimmy Buffett concert, five tickets to Lowry Park Zoo, a \$100 restaurant gift card and a two night stay at a local beach hotel. For tickets and additional information, contact the SUCA office.

SUCA members are now readying themselves for a trip to Tallahassee for UUCF's Board Meeting and Legislative visits in March. This is a golden opportunity to meet your legislators one-on-one and informally discuss industry issues. If you are interested in attending, please contact the UUCF or SUCA office.

SUCA Scholarship applications will be mailed to members in March. The scholarship is offered to the children of SUCA members who are seniors in high school this year and will be attending college in the fall. The

scholarship is \$4,000.00 paid at \$1,000.00 per year for four years. In addition to SUCA's scholarship, UUCF and NUCA have programs available to members as well. Keep an eye out for the scholarship packages in the mail.

Thanks to those members who have continued their support of the associations by renewing their membership dues for 2011. Keep in mind that dues are due in January and for your company to appear in the UUCF and NUCA membership directories, your dues must be paid before March 15. If you are not sure whether you have renewed, please contact the SUCA office.

SUCA's Safety Training Committee has partnered with American Traffic Safety Services Association (ATSSA) to sponsor a Florida Advanced Maintenance of Traffic (MOT) training class and a Florida Advanced Maintenance of Traffic (MOT) Refresher training class. The classes will be held March 23–25, 2011 (refresher class on March 25 only) at the Hampton Inn and Suites, 4050 Ulmerton Road in Clearwater. The outstanding benefit of co-sponsoring the course is the monetary savings for SUCA members. The regular registration fee for the Advanced MOT class is \$445.00 per person. Our fee for this course is \$395.00, a savings of \$50.00 per person! The cost of the refresher course for our members is \$135.00. We urge you to register immediately as the notice will be circulated by SUCA and ATSSA within days. We don't want you to miss out on this great opportunity. To register, contact Misty McKendree at (813) 355-4879 or mtjader@suca.org.

If you are interested in SUCA's projects or events, please contact our office at (813) 355-4879 or visit our website at www.suca.org.
UCA of North Florida

A group from our chapter just returned from NUCA EXPO '11. Highlights include a great welcome to Puerto Rico reception on Tuesday





night sponsored by Caterpillar, Charlie Cook's political analysis and Mark Zupan's story of overcoming adversity. The *Associate of the Year* was presented to Volvo Construction, and Ryan Schmitt was named *Ditchdigger of the Year*. On Thursday, Ryan Schmitt was sworn in as Chairman of NUCA. Ryan will serve until next year's expo in March. A reception for Ryan was hosted by our chapter prior to the Sounds of the Caribbean party. Thank you to the following sponsors whose support is greatly appreciated: Armadillo Underground, Ed Porter, Ferguson Waterworks, Forsberg Construction, Inc., HD Supply Waterworks, Industrial Tractor Company, John Woody, Inc., Kathy Lonetto, Lippes & Bryan, Reynolds, Inc., SUCA, UCA of Central Florida, UCA of North Florida and UCA of South Florida.

On January 27, the following officers were installed at our 2011 officer installation and annual meeting: **Executive Committee:** **President** – Lauren Atwell, Reynolds, Inc.; **Vice President I** – Mike Woodall, John Woody, Inc.; **Vice President II** – Tony Zebouni, Regan, Zebouni & Walker; **Secretary/Treasurer** – Kim Bryan, Petticoat-Schmitt Civil Contractors; and **Past President** – Ed Porter, Barco Duval Engineering. **Board of Directors:** John Kirkland, A. J. Johns, Inc.; Tim Clay, J. B. Coxwell Contracting, Inc.; Donnie Wynn, Florida Roads Contracting; Mike Gruber, Ellis & Associates, Inc.; Paul Hladun, Enterprise Fleet Management; and Alternates: Flo Woodall, John Woody, Inc. and Ryan Schmitt, Petticoat-Schmitt Civil Contractors, Inc.

The UCA of North Florida Annual Golf Tournament has been scheduled for Monday, March 28 at Deerwood Country Club. Josh Hunt, Ferguson Waterworks, is this year's golf Chairman. Sponsorships are available beginning at \$260.00 for tee/green sponsors to \$600.00 Vendor Showcases. The cost for players is \$125.00. Please contact

the UCA of North Florida office at (904) 296-1230 to register or for additional information.

Thank you to our 2011 monthly sponsors: A. J. Johns, Inc.; Ellis & Associates, Inc.; Industrial Tractor Company; Professional Shoring & Supply; Reynolds, Inc.; and Standard Precast.

Division of Workers' Compensation Revises Workers' Compensation Notice Posters

The Division of Workers' Compensation recognizes the importance of providing stakeholders with more information to assist them in fulfilling their rights and responsibilities under the Workers' Compensation Law. As a result, the Division is pleased to announce three new enhancements that have been added to the **Proof of Coverage Database**. These enhancements will provide information relating to the number of employees reported for each employer; the governing classification code reported for each employer; and the scope of business or trade(s) listed on Certificates of Exemption. A detailed description of each enhancement is listed below:

1. **Total Number of Employees** – Represents the total number of employees for each employer as reported by the insurance carrier. The total number of employees is displayed for each location reported on the policy. Insurance carriers are required to report the total number of employees for all policies that are issued with an effective date of October 1, 2009 or after.

2. **Governing Classification Code** – Represents the workers' compensation classification code which best describes the business operation and which includes the most payroll generated by the business as reported by the insurance carrier.
3. **Scope of Business or Trade** – Refers to the trade or business activity that best describes the business as reported by the corporate officer. The scope of business or trades are displayed for each Certificate of Exemption. The Certificate of Exemption only applies to the scope of business or trade listed on the certificate.

Rule 69L-6.007, Compensation Notice, Florida Administrative Code, has been adopted and will become effective on January 30, 2011. The rule adopts the revised workers' compensation notice posters, including the Spanish version of the poster and updates the information that is required to be included on the poster. Section 440.40, F.S., requires every employer who has secured workers' compensation insurance to post in its place of business a workers' compensation notice and an Anti-Fraud Reward Program notice. Section 440.40, F.S., also authorizes the Department, by rule, to prescribe the form of the notices and to require carriers to provide the notices to policyholders.

For a transitional period of 90 days from the effective date of the rule, an insurer or self-insurance servicing agent may use the "broken arm" posters identified and adopted in subsection 69L-6.007(1), Florida Administrative Code, or the corresponding poster(s) in effect prior to the adoption of the rule. After the completion of the 90 day transitional period, only the revised posters adopted in this rule may be used.

Copies of the rule text and the revised workers' compensation notice posters may be obtained as follows:

(Continued on Page 25)





**(Nekkid Super Models
Continued from Page 14)**

person designated by the owner as the procurement officer/manager. The bidder should let the procurement official know that the bidder believes it has grounds to protest, ask what deadlines apply to preserve the protest, and where to obtain a written copy of the protest procedure. Then, immediately after the telephone conversation the bidder should send a letter to the procurement official via fax, e-mail, or hand delivery confirming the conversation. Once a copy of the actual protest procedure has been obtained, it must be read to determine and verify any deadlines that apply and the level of detail that must be included in the protest documents. If the protest procedure requires an initial notice of intent to protest, then the confirmatory letter might satisfy that requirement, but the specific rules need to be read to make sure because a second or third letter may be needed to preserve

the protest.

Some bid protest procedures require a protestor to post a bond to serve as security for the payment of any costs that are incurred by the owner in defending against a protest. For example, Section 287.042, Florida Statutes, requires that a protestor provide a bond equivalent to 1% of the proposed contract amount. Bidders should also be aware that if Section 255.20, Florida Statutes, applies, then a successful protestor may recover its costs as well as fees from the owner.

Most formal protest procedures, including those governed by the APA, provide for informal dispute resolution prior to institution of formal proceedings. The APA provides that within 7 days of receiving the formal protest, the government will meet with the protestor to see if a settlement can be negotiated. If settlement discussions are unsuccessful, then the matter is

referred to the Department of Administrative Hearings which will schedule and administer a bench trial before an Administrative Law Judge provided by the state.

A key element of the APA provides that upon receipt of a notice of intent to protest and absent exceptional circumstances, the letting is to be suspended until the dispute is resolved. Even absent a formal rule requiring that the letting be suspended, public owners will frequently suspend the letting in order to give the parties an opportunity to resolve the issue.

If the procuring government lacks any written bid protest procedures, then the protestor generally must file a law suit in the State Circuit Court asking a judge to order that the bid letting be stopped until the court determines whether the bid letting was improper.

Some bid protests are resolved

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merely by informing the owner of the perceived problem. More often than not, however, the parties “lawyer up” in order to make sure that the competitive bid rules have been followed. Your lawyer cannot help you, however, if you have missed a deadline for preserving your protest. So, the first thing you need to do is to educate your estimators about the 72 hour/10 day rule. Then, if a potential protest is discovered you (or your lawyer) need to determine what deadlines apply and make sure those deadlines are met. It also wouldn’t hurt to bring some nekkid super models with you when you meet with your lawyer. We all know that nekkid super models go for pudgy, balding construction lawyers.

George Edson Spofford, IV of the Tampa law firm, Glenn Rasmussen Fogarty & Hooker, P.A., prepared this article. Spofford has represented the construction industry since 1985. Spofford is Board Certified by the Florida Supreme Court in Construction Law and practices throughout Florida representing owners, contractors, subcontractors, and sureties. Feel free to contact the author at (813) 229-3333 or gspofford@glennrasmussen.com.

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(Division of Workers’ Compensation Revises Workers’ Compensation Notice Posters Continued from Page 23)

- **Rule text** [15K PDF]
- **English poster** | **Spanish poster** [1MB PDF]

The person to be contacted regarding the rule is Tasha Carter, Chief, Bureau of Compliance, Division of Workers’ Compensation, 200 E Gaines Street, Tallahassee, FL 32399, (850) 413-1878.

Public Works Contracts – New Requirement for a Certificate of Entitlement

Section 212.08(6), Florida Statutes (F.S.) and Rule 12A-1.094, Florida Administrative Code (F.A.C.), (Public Works Contracts), govern the taxability of transactions in which contractors and subcontractors purchase supplies and materials for use in public works contracts. Public works contracts are projects for public use or enjoyment, financed and owned by the government, in which private persons install tangible personal property that becomes a part of a public facility. The exemption in Section 212.08(6), F.S., is a general exemption for sales made directly to the government. Rule 12A-1.094, F.A.C., establishes the criteria that govern whether a governmental entity, rather than the public works contractor, is the purchaser of the materials.

Effective January 2, 2011, Section 8, Chapter 2010-138, Laws of Florida (L.O.F.), requires governmental entities (excluding the federal government) to issue a Certificate of Entitlement to each vendor and each contractor in order to purchase supplies and materials for use in public works contracts tax-exempt under Section 212.08(6), F.S. The Certificate of Entitlement certifies that: (1) the materials and supplies purchased will become part of a public facility; (2) the governmental entity will be liable for any tax, penalty, or interest due should the Department later determine that the items purchased do not qualify for exemption; and (3) the criteria established in Rule 12A-1.094, F.A.C., are being followed.

No changes are being made to the criteria established in Rule 12A-1.094(4)(b), F.A.C., to determine whether a governmental entity, rather than the public works contractor, is the purchaser of the materials. The purpose of the amendment to Rule 12A-1.094, F.A.C., is to: (1) maintain, without change, the current criteria governing whether a governmental entity is the purchaser of materials and supplies that qualify for exemption under Section 212.08(6), F.S.; (2) provide the requirements and format of the Certificate of Entitlement required by Section 8, Chapter 2010-138, L.O.F., effective January 2, 2011; and (3) provide that the governmental entity is prohibited from transferring the liability for tax, penalty, and interest to another party by contract or agreement.

Click here for the format of the Certificate of Entitlement to be issued by the governmental entity, as provided by the amended Rule 12A-1.094(4)(c)4., F.A.C.

The amended Rule 12A-1.094, F.A.C., is effective January 12, 2011.

References: Section 212.08(6), Florida Statutes (2010) and Chapter 2010-138, Laws of Florida (Section 8, CS/HB 7157, 1st Engrossed).

For forms and other information, visit our Internet site at

www.myflorida.com/dor or call Taxpayer Services, 8:00 a.m. to 7:00 p.m., ET, Monday through Friday, excluding holidays, at (800) 352-3671.

For a detailed written response to your questions, write the Florida Department of Revenue, Taxpayer Services, 5050 West Tennessee Street, Tallahassee, FL 32399-0112.

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