

January/February 2019

BUILDING CENTRAL FLORIDA



PROJECT PROFILE:
**University of Central Florida
Research 1**

INSIDE

Q&A with 2019 Chairman of the Board

Check out these new sections:

*Technology; Legal & Regulatory; Risk
Management; Business; Workforce/Safety;
and Equipment/Fleet/Tools*

Celebrating Anniversaries!

*SMI Cabinetry, Inc. - 35 years and
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Building Central Florida (BCF) is published bi-monthly by the Central Florida Chapter of Associated Builders and Contractors. All material becomes the property of CFC ABC unless prior arrangements are made. CFC ABC welcomes submissions of articles and press releases from our members; however, CFC ABC reserves the right to publish based on relevance and space availability. Please direct all inquiries to bcf@abccentralflorida.org.

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22 COVER STORY University of Central Florida Research I

About Our Cover Charles Perry Partners, Inc.



Together with architect, Ponikvar & Associates, and engineer-of-record, Moses & Associates, construction manager, Charles Perry Partners, Inc. (CPPI), completed the 109,575 square foot building near the end of 2017. The facility is strategically placed on campus and is surrounded by other innovation facilities, including Engineering and the College of Optics and Photonics.

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Chairman's Q&A

Get to Know CFC ABC's 2019 Chairman of the Board

BY: KELSEY WILKINSON, CFC ABC MARKETING DIRECTOR

I recently interviewed CFC ABC's 2019 Chairman of the Board, Brian Prebenda, VP/Operations, Balfour Beatty, to get to know him on a more personal level and have him share his initiatives and ideas for ABC and the industry in 2019.



How did you get your start?

I started as a labor foreman renovating hotel rooms here in Central Florida during college breaks. I enjoyed it so much that I changed my

major to Construction Management. After graduating from Georgia Southern University, I hired on as a Project Engineer with Balfour Beatty (formerly Centex Rooney) in South Georgia and have been privileged to be here my entire career. In 2008 I moved to Central Florida, and over the past 10 years have had the opportunity to work with many of the great Central Florida ABC members.

What do you hope to achieve in 2019 as CFC ABC Chair?

Two key things I want to focus on over the next year are continuing to enhance ABC's offerings to our members and increase membership. In early October, the Board of Directors held a planning conference where there was a lot of energy and discussion around membership, events, training & development and legislative affairs. The Board developed three initiatives for each key ABC

focus, which will be presented to each ABC Committee Chair over the next month to start the implementation process. I'm confident that the enthusiasm from our initial planning session will drive our progress throughout the year.

What do you focus on as a leader in your organization?

As a leader in Balfour Beatty, I'm focused on four key things, making sure everyone goes home the same way they came to work (Zero Harm), operational excellence, delivering the ultimate client experience and maintaining our People First culture.

What are the keys to developing the next generation of leaders in your world?

That is a long answer however I will say it starts with training Senior Leaders how to effectively coach and mentor.

Family - What do you do to keep your family Priority #1?

First, it is by having a wonderful wife who keeps me in check. Family always come first. Sporting events, school functions, life events are the only priority. In parenting you only get one chance to do it right. Staying grounded in this belief and relying on the many teammates that can jump in and handle any pressing issue is critical to being there for the moments that matter most.

What are the needs and challenges ABC members face?

Workforce challenges continue to be an obstacle in our industry. There are numerous organizations here in Central Florida that are trying to make an impact however they need trade company support to really start making a difference. I know this will be one of our board's focus in 2019. ■



Central Florida Chapter

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SOCIAL MEDIA

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Congratulations to CFC ABC's 2018 Model Member of the Year...



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To find out how your company can be recognized as a CFC ABC Model Member, contact Catherine Wert, *Membership Director*,
cwert@abccentralflorida.org, 407-398-1278.

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ABC After Hours

October 11, 2018

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Builders' Breakfast

October 23, 2018



Mayor Bryan Nelson, City of Apopka, presented a State of the City update to include city statistics, updates on current projects, future developments

City Center. Guiding all efforts, is the recently completed Visioning Apopka 2025 Plan, which expresses the voice of the residents in guiding future growth.

Apopka boasts a 180-acre Northwest Recreation Complex, with over 50,000 participants each year. The Kit-Land Nelson Park area includes a Splash Pad and Walking path with parking area. KaBOOM Playground features Lake Avenue Park and Alonzo Williams Park.

Unique Developments include a Fly-In community with over 450 acres annexing for a new community adjacent to the Orlando Apopka County Airport; 429 West, a mixed use project with residential, commercial and recreation features. And the Kelly Park Interchange and the Form-Based Code, mixed use development area within a mile of the interchange. ■

in place and what the future holds for 2019.

The future of Apopka is bright. From April 2017 to March 2018, the City of Apopka grew its largest population per year in over 30 years to 51,676.

The city is poised for growth with the scheduled 2021 completion of the Wekiva Parkway. At parkway's intersection with Kelly Park Road, a major new commercial/residential/office community named Kelly Park Crossings is set to arise. Additionally, Apopka has struck a deal with Taurus Southern Investments to develop a new



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EIC Awards Banquet

October 26, 2018

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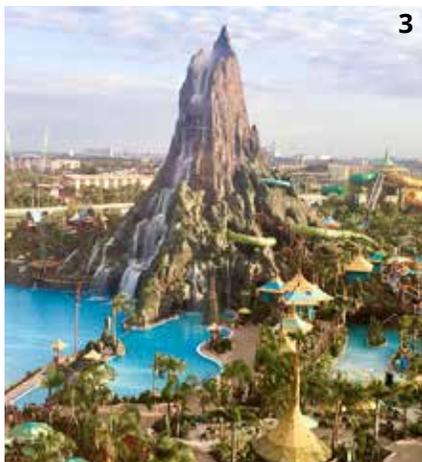
The Excellence in Construction Awards program was created to recognize members who believe that the merit shop philosophy improves opportunities for individuals and contractors throughout the nation, as well as celebrate outstanding projects. These members believe in the system of free enterprise and open competition. With this mentality, 147

projects were submitted this year and of those projects, 95 of them were awarded Eagles. The 2018 Excellence in Construction Awards program brought over 800 in attendance to the banquet, with the anticipation of the special award winners waiting to be announced!

EIC project entries are judged on execution of design, quality of craftsmanship, attention to detail,

proper installation, outstanding planning and coordination efforts, challenges successfully overcome, project complexity, custom materials, safety program, and owner satisfaction. For a complete list of winners, as well as how you can get your company involved, visit abccentralflorida.com.

Congratulations to all the 2018 EIC Award Winners! ■



1. Project of the Year: Project: Florida Hospital Apopka Replacement Facility; GC: Brasfield & Gorrie, LLC. **2. Subcontractor Project of the Year:** Project: Universal's Volcano Bay Aquatics Package; Sub: Comprehensive Energy Services, Inc. **3. Free Enterprise Award (GC):** Project: Universal's Volcano Bay; Company: Austin Commercial, LP. **4. Free Enterprise Award (Sub):** Project: University of Central Florida Interdisciplinary Research Incubator Facility; Company: Energy Air, Inc. **5. Marketing Award of Excellence (GC):** Ben Parrish, Turner Construction Company, Orlando International Airport Intermodal Terminal Facility. **6. Marketing Award of Excellence (Sub):** Shawna Paradise, Comprehensive Energy Services, Inc., Universal's Volcano Bay Aquatics Package.

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Casino Night

August 24, 2018

THE BALLROOM AT CHURCH STREET, ORLANDO

More than 200 ABC members and industry guests gathered to participate in the Monte Carlo Casino Night Workforce Development Fundraiser on Friday, August 24 at The Ballroom at Church Street.

Participants enjoyed testing their luck at numerous casino games from blackjack and craps to Texas Hold'em. An element of mystery was added this year with a Monte Carlo Masquerade theme. Members gambled to win as many raffle tickets as they could to once again test their luck at winning the prizes when (1) ticket was

drawn for each prize.

All proceeds from the evening went to benefit the ABC Workforce Fund. ABC was able to raise over \$24,000 from the event, which will go towards promoting apprenticeship training and careers in construction. With the Workforce Fund, ABC's members have contributed to several existing programs that provide key training to craft people in various trades. This is a testament to industry support, commitment to the future workforce, and training the next generation. ■



It would not have been possible without all of the great sponsors who donated prizes or sponsored portions of the program!

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Central Florida Chapter

EVENT CALENDAR

January 17

CFC ABC Kick Off Party

January 24

Sporting Clay Shoot

February 4

ABC/UCF Golf Tournament

February 13

ABC on Tap

February 20

Young Professionals -
Build Your Professional Profile

February 21

Builders' Breakfast - City of Oviedo

March 8

Bass Fishing Tournament

March 13

Leg/Con

March 13

GC Connect

March 22

PAC Fundraiser

EDUCATION CALENDAR

January 11

English as a Second Language

January 14

Blueprint Reading

January 23

CPR & First-Aid

January 23

Reading Body Language

January 24

OSHA 10-hour Certification

January 24

Negotiating Critical Contract Terms

February 13

Leadership ABC Begins

OSHA 10-hr. and 30-hr. online courses available at abccfflosha.com

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Member News

COASTAL CONSTRUCTION PRODUCTS

... has elected Alan Ridge, executive vice president of sales & marketing, as president of Sealant Engineering and Associated Lines (SEAL), a national industry association, for 2019. Ridge will lead this non-profit, membership organization of leading distributors, manufacturers, engineers, consultants and specifiers who work in the sealant and waterproofing industry. He had previously served as the group's vice president and has been a member of the board of directors since 2015.



THE COLLAGE COMPANIES

... announced the Design Build Institute of America named Brian A. Walsh as one of 20 nationally recognized industry leaders chosen as part of the 2018 inaugural class of DBIA Fellows. Designated Design Build Professional Fellow status is the highest level of DBIA Certification and acknowledges the achievements of the nation's most accomplished design-build professionals. The elevation to the DBIA College of Fellow status celebrates individual career achievements and promotion of design-build and DBIA best practices and principles. DBIA Fellow status is limited to just 2% of all DBIA Designated Professionals.

... is one of the 2018 Florida Companies to Watch as announced by GrowFL. The awards event - now in its eighth year - honors 50 select second-stage companies from throughout the state for developing valuable products and services, creating quality jobs, enriching communities, and broadening new industries throughout Florida. Chosen from a large pool of growing businesses throughout the state, the finalists collectively represented \$518 million in annual revenue and employed 2,743 full-time equivalent employees in 2017.

... is scheduled to break ground in early 2019 with new plans for Lake Lorna Doone Park, the reinvigorated space (adjacent to Camping World Stadium)

and will include the installation of a focal-point fountain in the center of Lake Lorna Doone.

The fountain will "forever be a symbol of the vibrant spirit of the people living in the Communities of West Lakes," says Brian A. Walsh, Founder, President, CEO of The Collage Companies - who has committed to funding the estimated \$50,000 needed to design, build and install the fountain. Collage has been a longtime construction partner of Camping World Stadium, having recently completed a refurbishment of The Varsity Club at Camping World Stadium. The plans for the fountain will



be revealed in early 2019 and will be installed in conjunction with the Lorna Doone Park construction time line.

... presented a check to Florida Citrus Sports Association, the developer of the project, and to LIFT Orlando, a nonprofit founded in 2012 by local business leaders to revitalize the West Lakes community - during The Collage Companies' annual: Party with a Purpose fundraising event held on December 13, 2018 at the East CenterState Club at Camping World Stadium.

joining CES, he worked for FINFROCK and has also worked for Skanska Building, Brock Services and other industrial construction groups.

Mr. Scacchi is a member of the Board of Certified Safety Professionals, he is also a OSHA 500 Authorized Trainer, CICTI Certified Healthcare Manager/CCHM, Qualified Storm-water Management Inspector/SWPPP and is a Scaffold Training Institute (STI) Certified Builder/Inspector.

... raised \$30,000 for Florida Hospital Altamonte, which will soon be AdventHealth Altamonte Springs, at their 12th annual charity golf tournament in honor of Todd and Shelly Morgan's mother Johanna Thomas Stabile. Over 120 golfers consisting of Orlando



Magic Community Ambassadors Nick Anderson and Bo Outlaw, customers and employees participated in the 18 holes of scramble golf on October 22 at Alaqua Lakes and donated money through sponsorships, raffle tickets and 50/50 sales. To date, CES has raised over \$300,000 for local charities.

... announced that Shane Lantz has been appointed as VP service sales. He will be responsible for executing and managing a sales growth plan primarily focused around the reoccurring maintenance base with top level oversight of key client accounts, expanding and securing new business, markets and assisting in growth and development of sales staff.



Shane brings over 30 years of HVAC industry experience to CES. He will be leading a team of industry professionals in transforming CES into Florida's premier commercial HVAC | R service organization.

COMPREHENSIVE ENERGY SERVICES, INC

... announced that Tony Scacchi has been appointed as safety director and will lead the implementation and oversight of CES' safety programs, including employee and contractor safety, process and operational safety and ongoing regulatory compliance.



Tony brings over nine years of construction/safety experience in plant operations and building construction included but not limited to: sulfuric; phosphoric; copper; natural gas; petrochemical; nuclear power plants; healthcare construction/renovations and pre-cast/pre-stressed concrete construction/manufacturing. Prior to

continued on page 13

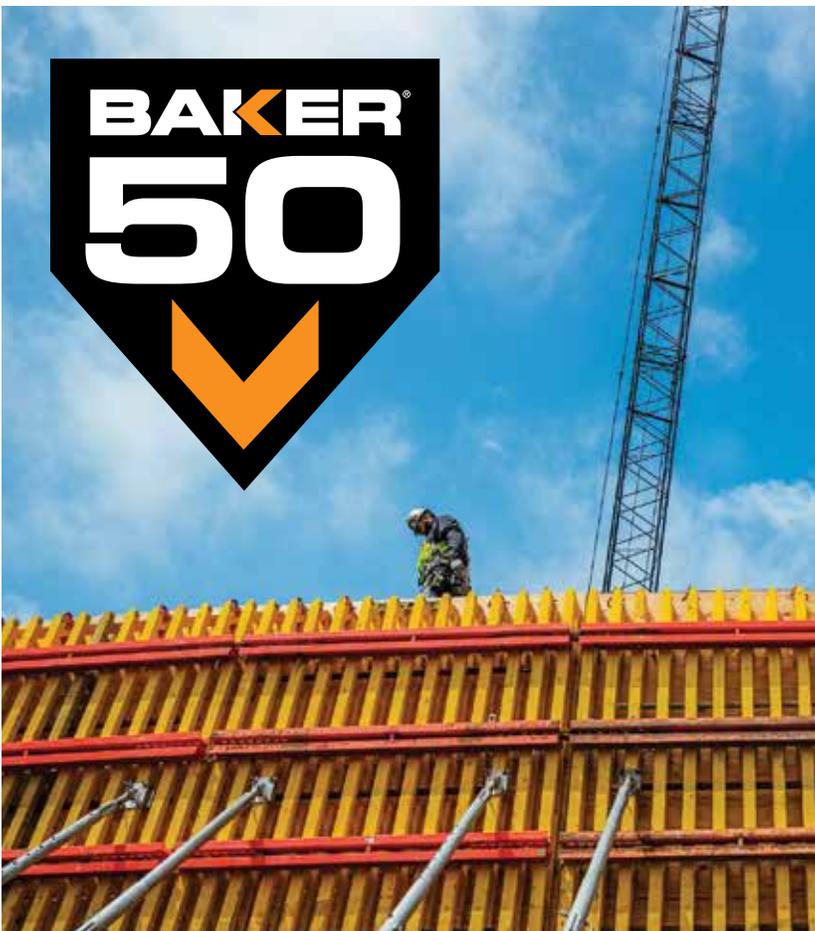
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INTERIOR SPECIALTIES

... has named Kelly Garcia lead estimator. In her new role, Garcia will be responsible for managing the growing company's bid list, ensuring estimates are completed and submitted on time and managing the estimating department.



"Kelly embodies Interior Specialties' values," said Dave Riley, president of Interior Specialties. "She has deep

knowledge of our products and has built valuable relationships with our customers. Her hard work and dedication make her a natural choice to help lead our team."

Garcia joined Interior Specialties in 2003. Joining the company as a project manager, she has worked on many of the company's largest projects including the Florida Hospital Women's Pavilion, which won the company an Eagle Award, along with a Subcontractor Award of Excellence in 2016.

INTERNATIONAL FLOORING, INC.

... was selected by Turner Construction for the Lockheed Martin expansion project, located in Orlando. Work includes renovation of 6,000 square feet of tile, and is scheduled for completion in December 2019.

... was selected by PCL Construction for the JW Marriott Bonnet Creek project, located in Orlando. Work includes flooring for 518 rooms, a children's center, nine restaurants, two floors of public space and a spa. The project will begin in March, and completion is scheduled for January 2020.

... was selected by Whiting-Turner for the Dr. Phillips Center for the Performing Arts project, located in Orlando. Work includes terrazzo and concrete work, as well as over 82,000 SF of tile, carpet, cork and wood. It begins in June, and completion is scheduled for April 2020.

... was selected by Whiting-Turner or the AMC Movie Theater renovation project, located at Disney Springs. This is the second renovation for IFI at this state-of-the-art cinema with Fork & Screen® Dine-In Theatre. Work includes 60,000 SF of flooring and will begin in January, with completion scheduled for summer 2019.

... has relocated to Winter Garden, due to their remarkable growth in the Orlando area. Loyalty from their customers has fueled continued growth, making their move to a new facility necessary. Their new warehouse property has more than quadrupled in space to 40,000 SF. Their expansion has also brought on promotions and new hires to help accommodate its growth and better serve its clients.

... has promoted Pat Zimmerman to Executive Vice President, and Tyler Price to Senior Estimator. IFI has also appointed Angela Farrugia, CIT, CBT, as its new Office Manager, and Beth Landon, as Project Engineer.

PCL CONSTRUCTION SERVICES, INC.

... has named Rick Goldman Vice President & District Manager in Orlando. Since 2014, Rick Goldman has led PCL's Florida Buildings operations as district manager. His leadership has facilitated the growth of the district, now recognized as one of the largest US Buildings districts for PCL. Rick's strategic vision for PCL focuses on elevated engagement with trade and consultant partners, enhanced operational accountability, the promotion of a culture of innovative thinking, and geographic expansion with an increased PCL presence in the South Florida construction market.



... promoted Billy Matthesen to Manager, Special Projects. Billy will assist clients with needs on smaller projects. His clients receive the best of both worlds: the commitment, responsiveness, and friendliness of a local contractor, and the expertise, advanced systems, and purchasing power of a large construction organization.



R.C. STEVENS CONSTRUCTION CO.

... announced Tim Keating, President, will retain his seat as Southeast Region Vice Chair in 2019 on the Associated Builders and Contractors Board of Directors.

ROGER B. KENNEDY CONSTRUCTION

... broke ground on November 29 for the new 320-unit Aqua Apartments in Palm Bay, under a \$37 million contract. Slated for completion in the spring of



2020, the upscale community will feature four four-story apartment buildings, a single-story clubhouse, 12 detached garages and related amenities.

... is building The Lofts at South Lake, a five-story, \$16 million apartment community in Clermont that is slated for completion in March 2019.

... broke ground for two luxurious Orlando-area clubhouses. Included are the \$2.1 million, 9,715 SF facility at The Reserves at Alafaya community in Orlando, and the \$1.4 million, 3,989 SF clubhouse at Venetian Isle in Windermere. Kennedy recently completed the 275-unit Tract 8B Apartments at The Reserves at Alafaya under a \$25 million contract, and the 346-unit Venetian Isle community under a \$42 million contract.

... promoted Steve Elliott to General Superintendent. A 25-year company veteran, Steve Elliott previously served as Senior Project Superintendent and has provided field supervision for over 5,000 multi-family and timeshare units. His most recent project assignments have included Unicorp National Developments' Drake Midtown Apartments and Zen Luxury Living Apartments, in Lake Mary and Orlando respectively.



continued on page 15

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Member News continued from page 13

... announced that Ron Whalen, Vice President, was elected to the Board of Directors of Quest, Inc., a nonprofit organization daily serving over 1,000 individuals with developmental disabilities in Central Florida. A Florida construction veteran with 28 years of experience, Ron Whalen is a licensed Florida Certified General



Contractor and a LEED Accredited Professional. He holds a Bachelor's degree in Building Construction from the University of Florida.

... collected and donated a truckload of toys for the 2018 U.S. Marines' Toys for Tots Program this holiday season. On December 17, a U-Haul truck delivered seven giant collection boxes filled with new toys, several new bicycles, plus \$2,320 in cash/gift card donations that allowed the Marines to purchase more toys. Toys for Tots is a program of the United States Marine Corps Reserve that spreads joy each Christmas by distributing toys to underprivileged children.

S.I. GOLDMAN COMPANY, INC.,

... was selected by W&J Construction Corporation for the HFBC Data Center Security project located in Rockledge, FL. Work includes the renovation and replacement of the HVAC system. Work began in September and was completed in November 2018.

... was awarded the Orlando International Airport BP-488 3rd Floor Expansion Renovation project by H.W. Davis Construction. The work includes the removal and replacement of HVAC and plumbing systems serving the Landside Security and Baggage Screening areas and includes (2) new 30,000 CFM air handling units, piping, ductwork, controls and other miscellaneous equipment. Work began in October and is scheduled for completion in July of 2019.

... was selected by W&J Construction Corporation for the Rockledge Pharmaceutical Manufacturing Renovation project located in Rockledge,

FL. Work includes the demolition, replacement and addition of HVAC, plumbing, gases and orbital welded process piping systems for this 23,350 SF pharmaceutical products manufacturing facility. Work began in November 2018 and is scheduled for completion in September 2019.

RHODES BUILDING CORPORATION

... is wrapping up on Phase III of the Orangetheory Fitness Global Headquarters project in Boca Raton. Phase III of the project consists of a



12,000 SF Information Technology department which will support Orangetheory's global franchise network. The interior design by Rhodes Design-Build team member Errez Design includes an indoor "Orange Grove" and other amenities which make this space truly one of a kind. The completion of Phase III will end the 50,400 SF project. Rhodes is providing Design-Build services for a private client's new corporate office campus. The project consists of programming, master planning, design and construction for phase I of the project which is slated to consist of 75,000 SF of new Class A Corporate Office space. Construction is slated to begin third quarter of 2019.

... is providing Design-Build services for façade and site improvements at Herndon Village Shoppes located on East Colonial Dr. The 70,000 SF retail center is to receive a new façade along the full length of the center. Construction is slated to begin in the first quarter of 2019.

... completed at South Orange Retail, a redevelopment project located within Orlando's SoDo district. Rhodes provided Design-Build services for the project as well as tenant improvement services for Orangetheory Fitness, European Wax Center and Smoothie King.

... began construction at Orange & Michigan retail located on the corner of Orange Avenue and Michigan Street in Orlando. Rhodes is again providing Design-Build services for the project which include site demolition, environmental remediation and a new multi-tenant retail center.

Rhodes has two additional Design-Build redevelopment projects under contract in the SoDo district for 2019.

... is proud to have team members who have joined NAWIC - National Association of Women in Construction. Rhodes team members Olivia Partin, Wendy Bieberle and Taylor Odom became members in 2018 and look forward to the opportunities for professional development, networking and public services that this great organization offers.

... participated in Construction for the fifth straight year, teaming with Scott + Cormia Architecture and other partners. Benefiting Second Harvest Food Bank, Construction is food drive where participating teams design and then build a structure out of canned food. Upon completion of the event



all canned food items are donated to Second Harvest.

WELBRO BUILDING CORPORATION

... has broken ground on the Element by Westin Orlando International Drive. This eight story, 165 room hotel, located at the Orlando 360 complex is anticipated to open early 2020. The hotel will feature 1,200 SF of meeting space, an indoor pool, business center, and complimentary breakfast. It will also offer a number of eco-friendly amenities including LED-only light bulbs throughout, recycled materials, and low VOC paint, that are a core part of the Element experience.

WHARTON-SMITH

... celebrated the great work being done by local subcontractors and team



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Member News continued from page 15

members on the Orange County Public Schools Site 37 Relief Middle School located in the growing community of Windermere, Florida. The traditional topping out event marks a significant milestone in the completion of the project.

The \$30.3 million middle school consists of four new multi-story buildings totaling approximately 169,000 SF and will also include outdoor physical education facilities. The new campus is being built on a 25.56-acre greenfield site and will have a maximum capacity of 1,213 students. Wharton-Smith is providing construction management services on the project. Construction is on schedule and expected to be complete in the summer of 2019.

... held a groundbreaking ceremony for the \$14 million RiverWalk Seawall, a project which will provide the necessary support for the future and final extension of Sanford's award-winning



RiverWalk from the Central Florida Regional Hospital to Interstate 4.

The Seawall project, designed by CPH Engineers, is a 3.5 mile extension to the seawall along beautiful Lake Monroe's south shore and began in December 2018. Once completed the City will begin Phase 3 of the RiverWalk which will extend the bike and pedestrian trail past the Central Florida Zoo and add roadway improvements. The final project will result in a nearly

five-mile trail connecting Seminole and Volusia County and will encourage many job and economic opportunities for the City.

... gathered to celebrate and officially dedicate the newly renovated Hillcrest Elementary School for Orange County Public Schools (OCPS). Wharton-Smith and HZ Construction served as construction manager on the project and C.T. Hsu + Associates served as the designer.



The scope for the \$16.4 million Foreign Language Magnet School included demolition, renovations totaling 23,060 SF, and the addition of a new two-story, 52,000 SF building that houses classrooms, resource labs, administration, art/music, dining/multi-purpose room, media center and support spaces. A new 130-car parking garage was also built and praised by Principal Ortega as the "best two story garage in town."

... welcomed Toni Henry as Director of Corporate Communication at their Sanford, FL headquarters. Ms. Henry joins Wharton Smith following 13 years in the Defense Industry where she served as a Vice President with leadership roles in Strategic Communication, Government Affairs, Marketing and Business Development at Raydon Corporation (Port Orange, FL). Prior to joining Raydon, Ms. Henry served the Republican National Committee (Washington, DC) for 12

years working in Communication and Broadcast Production.

Wharton-Smith Construction Group created this new position to support its substantial growth in existing markets and forecasted growth into the senior living and hospitality markets which are proving to be expansion drivers for the company.

WILLIAMS COMPANY

... Williams Company Building Division completed the \$27 million expansion and renovation of the historic Carlton Union Building on the main campus of Stetson University.

... Williams Company Southeast completed Phase 1 of the 450,000 SF Vineland Pointe retail center in December, and is slated to commence work soon on Phase 2 to include a 65,000 SF Target store and more. Phase 1 includes a Lucky's Market as well as Burlington, Marshalls and Ross stores.

... Williams Company Southeast is also constructing the new Wegmans-anchored Midtown East retail center near downtown Raleigh, N.C. When completed during the second quarter of 2019, the upscale center will feature a 120,000 SF Wegmans Food Market, an adjacent 400-car elevated parking deck, plus five additional retail buildings.

... Williams Company Southeast is constructing THE LEGO® MOVIE™ WORLD which will feature three new rides, a spaceship playground and themed shops inspired by THE LEGO® MOVIE™ and THE LEGO® MOVIE 2™. LEGOLAND® Florida Resort will open the new area in spring 2019. ■

Dedicated J. A. Croson Employee Retires After 42 Years in the Industry

Mike McCullough's success story

BY: KELSEY WILKINSON, CFC ABC MARKETING DIRECTOR AND MIKE MCCULLOUGH, RETIRED DIVISION MANAGER, J. A. CROSON

I recently had the opportunity to speak with Mike McCullough, now retired Division Manager at J. A. Croson. He is thankful to be able to share his 'grateful story and life experience' to members. His story begins:

"Where do I begin? At the age of

11 years old in 1966 I lost my mother in Lake County Florida and I was devastated. My dad gave up. With seven children ages three through 14, the state found him unable and moved us to foster homes all over Florida, Alabama and Georgia. I had brothers and sisters I

did not see for 11 years.

At the age of 14 1/2, I jumped out of the back window and never looked back. I found myself back at my home town in Apopka, Florida. I looked up my oldest brother and sister. My brother put me

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New Members

October/November/December 2018



Commercial Design Services, Inc.

Bob Eckes

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W: cdsorlando.com

Supplier - Office Environment/Office Scape Design - Office Furniture, Acoustics, Walls

Sponsored by: John Kurtz

Continental Building Products

Ben Cupp

866 US-17

Palatka, FL 32177

P: (859) 446-6533

E: benjamin.cupp@continental-bp.com

W: continental-bp.com/en/

Supplier - Gypsum Products Manufacturer

Del-Air Heating and Air Conditioning

Ryan Shoemaker

531 Codisco Way

Sanford, FL 32771

P: (407) 333-2665

E: rshoemaker@delair.com

W: delair.com

Subcontractor - Mechanical & HVAC, Under \$1M

Sponsored by: John Kurtz/Ryan Shoemaker

Environmental Painting Alternatives, Inc.

Marvin Couch

765 Big Tree Drive

Longwood, FL 32750

P: (321) 203-2166

E: marvin@epaflorida.com

W: epaflorida.com

Subcontractor - Commercial & Industrial painting, resinous flooring and waterproofing, \$3-\$6M

FASTSIGNS, Casselberry/Winter Park

Debra Dagostino

915 State Road 436

Casselberry, FL 32707

P: (407) 831-6334

E: debra.dagostino@fastsigns.com

W: fastsigns.com

Subcontractor - Custom Signage - commercial: permanent exterior & interior signage, marketing/promotional signage, \$1-\$3M

Sponsored by: Paul Kidder

Hill, Rugh, Keller & Main, PL

Andrew V. Showen

390 North Orange Ave., Suite 1610

Orlando, FL 32801

P: (321) 270-6826

E: andy@hrkmlaw.com

W: hrkmlaw.com

Associate - Business & Construction Law

Sponsored by: Tom Wert

JK2 Scenic

Julie Holmes P.E.

530 Holts Lake Court, Suite 304

Apopka, FL 32703

P: (407) 880-8400

E: julie.holmes@jk2.com

W: jk2.com/scenic

Subcontractor - Theming: retail, theme park, entertainment, hospitality, and restaurant industries, \$1-\$3M

Keene Klimas Consultant Group, LLC

Max Klimas

7025 CR 46 A, Suite 1071-510

Lake Mary, FL 32746

P: (407) 448-8773

E: max@keeneklimas.com

W: keeneklimas.com

Associate - Construction Consulting - Legal/Litigation, Insurance/Surety, Construction Management

Sponsored by: Tom Wert

Pelican Int'l

Meagan Dozier

6140 Ulmerton Road

Clearwater, FL 33760

P: (727) 388-9895

E: meagan@pelicansinks.com

W: pelicansinks.com

Supplier - Supplier of faucets, sinks, quartz, tile, stone fabrication tools

Sponsored by: John Kurtz

Quick Response Fire Protection

Marty Brasher

20545 Independence Boulevard

Groveland, FL 34736

P: (407) 469-2134

E: Mbrasher@quickresponsefl.com

W: quickresponsefl.com

Subcontractor - Security Alarm, Fire Alarm, Fire Sprinkler Systems, \$3-\$6M

Sponsored by: Brian Prebenda

Southeast Wiring Solutions, Inc.

Jeniffer O'Neill

8390 Champions Gate Boulevard, Suite 310

P: (407) 290-5911

E: jeniffer.oneill@swsprotection.com

W: swsprotection.com

Subcontractor - Commercial Alarm systems, CCTV camera systems, Audio Systems, TV Surround, Business automation & Theater systems Installation and Service, Under \$1M

Builders' Breakfast

November 7, 2018



College Park, Orlando's oldest suburb, is getting a new neighbor called The Packing District.

Kenneth D. Robinson, President and CEO for Dr. Phillips, Inc. and The Dr. P. Phillips Foundation presented on The Packing District to CFC ABC members.

The Packing District is a \$480 million, 202-acre development around the

intersection of Princeton and Orange Blossom Trail. Its name is an homage to the canning and packing plant that citrus magnate Dr. Philip Phillips built there in the 1930s.

The entire project, which will take roughly 20 years to complete, will include a tennis court center and a nature park with pedestrian and bike trails that will connect to Orlando's existing Urban Trail system.

The entire mixed-use project involves adding park spaces, storm-water improvements, a roadway network, traffic investments and private development to a mostly industrial underdeveloped area.

The Packing District is estimated to create nearly 800 permanent jobs and generate \$151 million in tax revenue over the next 10 years. ■



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Chili Cook-off

November 8, 2018

OVIDEO AMPHITHEATER AND CULTURAL CENTER

CFC ABC members came together at a new location for the 16th Annual Chili Cook-Off on November 8, 2018. The day started early as dedicated competitors arrived with their secret recipes and fun themed decorations in hand. Competitors spent the morning chopping their veggies and cooking their meat to perfect their team's chili. Twenty two companies and team members were eager to win one of the esteemed awards that would be given out at the end of the night. Chili Tasters arrived later in the evening excited to taste and vote for their favorite chili and best booth. An assorted panel of judges including firemen, chefs, and farmers described their tasting experience as a dream as they tasted and scored some of the best chili in Central Florida. Thank you to the sponsors, judges, and Program & Events Committee for making this another successful year! ■

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- 2nd Place: WELBRO Building Corporation, *Chilibusters*
- 3rd Place: Hensel Phelps, *Red Hot Chili Peppers*

People's Choice Award

- 1st Place: Hensel Phelps, *Red Hot Chili Peppers*
- 2nd Place: Tri-City Electrical Contractors, Inc., *Tri Chili Electric*
- 3rd Place: WELBRO Building Corporation, *Chilibusters*

Judge's Choice Award

- 1st Place: Tri-City Electrical Contractors, Inc., *Tri Chili Electric*
- 2nd Place: WELBRO Building Corporation, *Chilibusters*
- 3rd Place: Enterprise Fleet Management, *P.E.T.A.*
(People Eating Tasty Animals)

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The Emergence of AI in the Construction Industry

BY: DAVE DAMER, CEO, TESTFIRE LABS

Unlike in finance, healthcare, retail or marketing, the role of artificial intelligence in the construction industry is still relatively small. However, a recent research report by Market Research Future paints a vivid picture of an industry transformed by modern technology. The report forecasts global AI in the construction market to reach approximately \$2,011.4 million by 2023, growing with a 35 percent CAGR from 2017–2023.

CONSTRUCTION COMPANIES ARE EYEING AI

The reason the construction industry is so keen on adopting the latest AI technologies has much to do with the current labor shortage in the industry. According to the U.S. Bureau of Labor Statistics, there were approximately 183,000 construction job openings in May 2017. A year later, the number jumped to 243,000, an increase of nearly 33 percent.

To make the situation even worse, it's estimated that 15 million construction workers will retire or leave the industry within the next decade. Clearly, the situation won't resolve itself, which is why the industry is shifting its focus to emerging technologies to help alleviate future capacity and productivity concerns.

What does the future of AI in construction look like? Contrary to popular fears, it looks more like cooperation than competition, which becomes clear when you look at some of the most interesting artificial intelligence applications in the construction industry from leading AI companies.

GENERATIVE DESIGN

Building information modeling, a process involving the generation and management of digital representations of physical and functional characteristics of places to give architects, engineers and other construction professionals the insights to efficiently plan, construct and



manage buildings has been around since the new millennium.

Now, one of the most popular BIM software applications, Autodesk Revit, is able to aid the building design process in a completely new way thanks to a powerful AI-enabled add-on, called GenMEP, which has the ability to automatically design the routing of mechanical, electrical and plumbing systems within buildings while taking into account the complexity in different building geometries and shapes.

The process through which GenMEP figures out the most optimal routing of MEP systems is called generative design, and it can be used to instantly generate multiple CAD-ready solutions based on certain input parameters and design goals, mimicking nature's evolutionary approach to design.

"[Generative design] usually starts with clearly specifying the design goals and then explore innumerable possible permutations of a solution to find the best option," explains Anand Rajagopal, a data scientist at Autodesk. "In addition to solving vexing practical challenges, generative design could also raise the efficiency and economy of the overall development process by producing designs that improve scheduling

and coordination between multiple stakeholders."

RISK MANAGEMENT

According to the Occupational Safety and Health Administration, construction workers are five times more likely to be killed on the job than other laborers. The combination of uneven terrain, fatigue, tight deadlines and heavy construction equipment is so dangerous that the fatal injury rate for the construction industry is higher than the national average for all industries. Since 2010, construction struck-by deaths have been on the rise, but multiple AI companies would like to put a stop to this trend and apply the benefits of artificial intelligence to increase construction safety.

One example of such a company is Suffolk. This Boston-based general contractor has amassed a huge database of jobsite photos to create predictive algorithms designed to manage construction risks. The ultimate goal is to transform the construction industry by building smart, and that's already possible thanks to Suffolk's partnership with Smartvid.io, a collaborative platform to manage and analyze

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UNIVERSITY OF CENTRAL FLORIDA RESEARCH I

BY: CORIE PATTON, CORPORATE COMMUNICATIONS MANAGER, CHARLES PERRY PARTNERS, INC.

January marks one year since the University of Central Florida's Research I Building opened its doors to UCF faculty and colleagues from various colleges and centers. Together with architect, Ponikvar & Associates, and engineer-of-record, Moses & Associates, construction manager, Charles Perry Partners, Inc. (CPPI), completed the 109,575 square foot building near the end of 2017. The facility is strategically placed on campus and is surrounded by other innovation facilities, including Engineering and the College of Optics and Photonics.

Research I represents a large step in UCF's mission to establish itself as one of the country's top research universities. The project is a three-story research building that houses 78 labs, eight lab-support

rooms, 75 office spaces, and includes over 6,500 square feet of conference and collaboration space. CPPI and UCF worked to ensure that the health and



safety of faculty, students, and staff working within Research I was the first priority. CPPI installed 52 fume hoods for safe ventilation in lab rooms, and various

facility features meet safety criteria well above standard code requirements.

Faculty, students, and staff at Research I complete work in nanoscience technology, advanced materials processing and analysis, lasers and photonics, and energy research. Research I also houses the Faculty Cluster Initiative, UCF's group of 50 faculty members focused on solving today's toughest scientific and societal challenges through teaching and research. Prior to the completion of Research I, many UCF research staff members were working in rented space off campus at

Central Florida Research Park. The completion of Research I has unified the research teams in a one centrally located building on campus.



Research I's steel structure is clad with an elegant combination of curtain wall, brick, aluminum panels, and architectural precast panels. The building blends well with the surrounding architecture, yet exudes a 21st century aesthetic.

The structure was designed and constructed to accommodate two Transmission Electron Microscopy (TEM) rooms that house multi-million dollar electron microscopes. These rooms were built with 36-inch thick concrete slabs in order to eliminate background noise and ground level vibration, which is critical to the functionality of the equipment.

The labs were also equipped with an air monitoring system that provides UCF with sustained energy savings by optimizing ventilation rates through its intelligent measurement solutions. The system tests the air in the labs every 30 seconds and if no particulates or volatile organic compounds are detected, the required air changes per hour are reduced from six to three,

saving UCF up to 50 percent in HVAC energy costs.

This project was made truly special by the close and collaborative relationship between UCF, CPPI, Ponikvar & Associates, Moses & Associates, and various trade partners. This collaboration allowed the team to deliver a substantially technical project on time and under budget.

Interior Specialties provided the motorized shading system that covers windows in the Spectroscopy and Focused Ion Beam labs, as well as in the conference rooms for the UCF Research Project. The shading system chosen includes double motorized shades, providing both solar and blackout shading. Interior Specialties was proud to contribute to the project. The company has completed more than 30 projects on the UCF Campus.

Research I provides the infrastructure, atmosphere, and culture that UCF interdisciplinary research teams have long awaited. UCF plans to utilize its new resources

to begin collaborations and programs in research, technology transfer, and commercialization. This much needed research space is helping UCF bridge the gap between the development of technology and the commercialization of technology for sale and use. Commercialization of new technology drives economic development not only for UCF, but across the region and state of Florida.

Research I is the winner of an ABC Eagle Award for excellence in construction, as well as a Construction Owners Association of America (COAA) Gold Award for project leadership. The building also attained LEED Gold Certification, a globally recognized symbol of sustainability achievement.

"UCF staff have been planning an interdisciplinary research facility for a decade. It was our pleasure at CPPI to deliver a functional and beautiful lab space that executed their vision of bringing UCF researchers and disciplines together on campus," said CPPI Vice President/Principal Jason Morgan. ■

Additional CFC ABC Members involved with this project:

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BY: MICHELLE HULL, TREASURER, SMI CABINETRY, INC.



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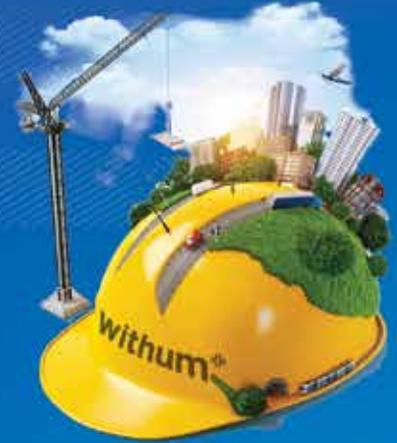
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As a military veteran and previous small business owner in the industrial field, First Vice President, Investments, and Financial Advisor, Tyson Smith, knows what it means to serve others, build a strategy, act with integrity, and achieve goals. Tyson's vision is to provide the best financial advice and service to his clients. Known for his comprehensive approach, Tyson addresses all of his clients' financial needs so they don't have to worry about them. You have worked hard for all you have achieved, and you don't want to delegate the crucial tasks of managing and preserving your wealth to just anyone. If you seek a personalized approach to wealth management and financial planning, Tyson Smith wants to work with you.

Tyson specializes in serving the wealth management needs of small business owners, professionals, executives, retirees and their families. His areas of expertise include cash management strategies, retirement plans and personal wealth management. Tyson and his team use a process and service model that they have developed and refined over the past 15 years. This ensures covering every aspect of managing your wealth, your business, your career, your family, your retirement and every important document in your life.

To comprehensively serve the diverse needs of his clients, Tyson holds many industry licenses, including Series 7, 9, 10, 63, 65, insurance 2-15, life, health and annuity licenses. He also holds the professional designation of Accredited Asset Management Specialist, Wealth Management Specialist,



Chartered Retirement Plan Specialist and Chartered Retirement Plan Counselor.

He established his own financial services practice in 1998 in Illinois and relocated it to Orlando in 2003. Previously, Tyson spent many years in branch management, handling compliance and recruiting duties, while managing the investments of his clients. At the time, he was the youngest manager ever promoted at the firm. Before entering the financial services industry, he co-founded Illinois Marine Technologies and Prop Warehouse,

Inc., business startups in Peoria, Illinois, that he helped build and successfully sell during the 1990s.

Tyson served in the Illinois Air National Guard for nine years, working in military intelligence and earning the Civil Defense Medal for Gulf War I. He was honorably discharged in 2000.

Throughout the years, Tyson has been published in various publications and quoted in articles appearing in the Peoria Journal Star, Rockford Register Star and Orlando Business Journal. He has also provided on-air financial expertise for Channel 9 News in Orlando.

Active in the community, Tyson served as President of the Downtown Orlando Breakfast Rotary Club and President of the March of Dimes Board of Directors for Central Florida. He has financially supported a number of local and national charities, including the March of Dimes, Kids Beating Cancer and Noah's Light Foundation. In the past, Tyson has served as Treasurer, Vice President and President of the Central Florida Board of Directors for the March of Dimes. He has also served as Secretary and Vice President of his Rotary Club and is a Fourth Degree Knight in the Knights of Columbus.

Tyson lives in Orlando with his family and wants to help you and your family achieve your financial goals and give you confidence about your financial well-being and future. The Tyson Smith Group's detailed, methodical and disciplined approach to wealth management, makes them the only financial advisor you will ever need.

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This May Be the Next Big Crisis

BY: TYSON SMITH, FIRST VICE PRESIDENT, THE TYSON SMITH GROUP OF RAYMOND JAMES

Predicting the future is impossible. Being ready for every contingency is essential. Knowing our exposure to risk is critical.

30 years ago a client took out a Universal Life Insurance Policy through a friend of theirs who had just entered the insurance industry. The policy was written to provide a death benefit for he and his family and had a reasonable assumed rate of return baked into the illustrations. The agent who originally wrote the policy has long since moved into a different industry and no longer watches over the policy.

Over time, the client continued to make premium payments and enjoyed the knowledge that his family would be cared for if anything were to happen to him. When he passes, he knows that his wife and children will receive a nice windfall to cover his final expenses, pay off any remaining debts and help them along life's journey...or will they.

Permanent policies; Whole,

Universal and Variable Universal Life are underwritten based upon information available at the time of issuance. These policies are generally based upon assumed minimum expected Internal Rates of Return (IRR) and premium contributions. The IRR is based upon historical data, actuarial calculations and other factors available at the time. In my client's case, the market was experiencing euphoria in 1988 as the Reagan Years were in full swing and growth was high. In 1985, 1986, 1987 & 1988 the S&P 500 returned 31.24%, 18.49%, 5.81% & 16.54% respectively; very good years. The 10 year Treasury Rate was also higher, trading in a range between 9.05% in December 1985, 9.07% in December 1988. By comparison, today's 10 year U.S. Treasury Rate is 2.96%.

Here's the challenge. The IRR's for policies run in the past were frequently based upon lofty expectations that just didn't hold up. If the policies cash value

doesn't grow at the rate previously expected, there won't be sufficient assets available for coverage of the increasing internal expenses. In my client's case, we ran an Existing-Policy Analysis for him and discovered that his risk of the policy Lapsing (failing) was exceptionally high and that a change was essential if he wanted to keep the protection in place for his family. Going forward, I fully expect that this could become more and more common for clients as they receive Lapse Notifications in the mail.

We're requesting that every client with a life insurance policy please contact our office and allow us to conduct an Existing Policy Analysis for them. I'm sure every policy isn't at risk but we want to be sure. Those that don't do the analysis will run the risk of policy degradation and a potential loss of benefits. There's no cost or charge for our Existing Policy Analysis. ■

Dedicated Employee continued from page 17

back in school, but at 15 years old, I got kicked out for fighting. You see, I had a grudge on my shoulders and I hated the world for what happened to my family and blamed everyone. My sister talked me into going to church where I met the man who changed my life.

A minister, Rev. Leroy Richard, who was also a plumber, introduced me to God, then my career in plumbing, where I worked under a work program with Tilliman Plumbing. I then enrolled into an apprenticeship program.

I spent the next four and a half years in the program with the help of a woman who became my wife. I got my license working for Tilliman's Plumbing when I was 20 years old. This opened up many doors. Was it easy? No, by any means.

It took a lot of work, dedication, determination and most of all, being honest. A hard days work for a hard days pay. I stayed with Tilliman's Plumbing for seven years, until it sold.

I then moved to Cocoa,



Florida and was hired with J. A. Croson in 1982. Mr. Croson gave me the chance to make a difference in my career.

Mr. Croson's industry focus was on multi-family housing. This was an entirely new part of the construction industry to me. He put me with a gentleman named Mark Latourelle who taught me a lot about apartments. This gave me the goal I needed to learn everything I could about this trade, and to become something I thought I never could.

I spent the next 27 years running jobs for J. A. Croson. I also performed jobs for Roger B. Kennedy Construction, Walker Construction, Winter Park Construction, Landsouth Construction, C.P.G. Construction, CORE Construction and many more.

Paul Croson, and Vice President Taki Spinos told me it was time to move up. For the last nine years, I became a manager and attended management classes at Central Florida Chapter ABC.

It has truly been a challenge in my life but well worth it. I have made a lot of money and at the age of 63, I have decided to retire.

To sum it up, the smartest man in the room can make the wrong decision trying to do the right thing. Take time to listen, learn, and share your skill." ■



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Preserving and Perfecting Claims on Construction Projects

BY: CHAD WALKER, REGAN WHELAN ZEBOUNI & ATWOOD, P.A., HOST OF MANAGING THE RISK PODCAST (RWZALAW.COM/MANAGINGTHERISK) AVAILABLE ON APPLE PODCASTS, GOOGLE PLAY, AND STITCHER

Managing the risk on a construction project includes preserving and perfecting the right to recover for unanticipated impacts to the work. Construction contracts may include any number of pitfalls to pursuing a claim for an adverse impact. Navigating those potential traps is crucial to recovering the additional costs incurred due to the impact.

What is a Claim?

What constitutes a “claim” on a given project often depends on the specific contract terms. Many contract forms, including AIA Document A201, broadly define claims to include any demand seeking payment of money, an extension of time, an adjustment or interpretation of contract terms, or any other dispute relating to the construction contract. Contractors should familiarize themselves with the contract claim provisions before commencing work on a project. Failure to recognize that a particular contract adjustment may qualify as a claim could cause a party to waive a remedy by failing to timely assert its rights.

Giving Proper Notice

In particular, it is critical that the contractor is aware of the notice requirements for claims. Many contracts specifically provide that failure to give timely notice constitutes a waiver of a claim. The deadline for giving notice is often tied to the date the claim “accrues,” e.g. the occurrence of the event giving rise to the claim. In some circumstances it can be difficult to determine when a claim accrued. Whenever possible, contractors should deliver notice based on the earliest possible date that the claim could have accrued, to avoid a dispute over the timeliness of the notice.

In addition to knowing when notice should be given, contractors must be mindful of how notice must be delivered. Construction contracts often specify the form of notice required, the method of delivery and to whom notice must be delivered. These provisions are sometimes inconsistent with the typical manner of communication on projects, i.e. the contract may require notice by facsimile even though most

project correspondence occurs via email. Contractors should make every effort to strictly adhere to the contract requirements for delivering notice, to avoid an argument over technicalities that could compromise the claim.

Avoiding Inadvertent Waiver of Claims

In addition to notice requirements, contracts often contain other pitfalls to pursuing a claim for impacts to the work. For instance, construction agreements may include provisions that expressly waive claims in connection with payment applications. The following is an example of an express waiver of claims through the date of the application for payment:

Subcontractor agrees that, by the requisition of monthly progress payments, Subcontractor shall be deemed, as of the date of each such requisition and in consideration of payment of each such requisition, to release and forever discharge the Contractor from any and all obligations and liabilities, and release and waive any an all claims and demands of every kind and character whatsoever against the Contractor, the Owner and the Project through the date of such requisition, with the exception of retainage and any claims that are stated in the requisition as being reserved.

Contractors and subcontractors should take great care to determine if similar clauses appear in their respective agreements. If a provision like this exists, all pending requests for an adjustment to the contract price, time extension requests, or other unresolved claims should be noted in the pay application.

Similarly, many contracts require the execution of forms during the project that are intended to waive all claims existing prior the date the form is submitted. Examples of such forms include: release and waiver forms that accompany progress payment applications, lien releases that go beyond the form set forth in the Florida Statutes, and change orders that contain waiver language.

Contractors and subcontractors should carefully read the language of all required project forms prior to signing them. If a form refers to waiver or

release of claims, any unresolved claims should be identified on the form and language should be inserted clarifying that the waiver or release does not include those unresolved claims.

Documentation is Key

Successful recovery for impacts to the work requires not only perfecting and preserving the claim, but also properly documenting the claim. Whether presenting a claim on your own or with the assistance of a consultant or attorney, it is critical that you have sufficient documentation to demonstrate the costs you incurred due to the impact. The documents that are critical will depend on the nature of the claim. In some instances, the contract may require documentation of the costs or losses through certain project forms.

The documents that may be used to support claims include: daily reports, weekly reports, time sheets, meeting minutes, photographs, a change order log, an RFI log, and/or a submittal log. By way of example, daily reports can be used to create a contemporaneous record of ongoing impacts. Daily reports may also serve as additional or ongoing notice of impacts.

The description of an impact to the work in a daily report should include: the nature of the impact; the portions of the work impacted; the location of the impact; the responsible party, if known; the consequences of the impact, if known; and a summary of any discussions on site about the impact. The daily report should also describe how the impact is being addressed, including: man-hours expended to resolve the impact; additional materials used; any repairs performed; any re-sequencing of the work; and any suspension of the work.

Conclusion

In summary, it is critical that contractors and subcontractors carefully review the claim and notice provisions in their construction agreements prior to commencing work. When circumstances giving rise to a claim occur, the best practice is to strictly adhere to the notice and other contract requirements for perfecting claims and to watch out for project forms that may waive the claim. ■

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Walking With Giants

Celebrating 20 Years of Precision Demolition

BY: ELISA LLAMIDO, FREELANCE WRITER

Watching Pece of Mind's high-reach excavator at work is like stepping into the Lost World. The massive head reaches out to grab a choice bit from the top of a towering structure and delicately pull it into its gigantic jaws. Except that the hydraulic shear isn't munching leaves—it's strategically snapping pieces of the building's support structure and bringing them down safely.

Once a large pile has built up at the base, a bucket with a grapple moves in. It's another colossal dinosaur, but this one reaches forward, rather than up. It's a surprisingly precise operation for such a bulky piece of machinery. The operator dexterously selects pieces and sorts them into piles by material, moving the largest ones directly into dumpsters



for recycling. When only smaller pieces are left, the support team swarms in to finish the cleanup like a colony of ants.

The sheer scale of the work is impressive. Coordinating so many people and machines is, by itself, daunting. Add in the fact that even a single piece of debris falling the wrong way could have disastrous consequences to life and property and you have liability that most people wouldn't even want to touch.

President, Steve Pece isn't like most people. Meeting him on the street, you might not realize it at first. He's confident of course, but very accessible, smiling easily as he talks about the excitement of a current project or his wife and daughters. He's intensely practical, with no trace of the arrogance that you might expect from the owner of the 86th

largest demolition company in the world, as ranked last year by Demolition & Recycling International magazine.

Speak with him for a while, though, and you'll start to see the steely grit under the surface. The powerful drive that pushes him to take chances and the intelligence that demands the risk factors be controlled. But it's his single-minded focus that is most impressive, and it's not surprising to learn that it's been with him from the beginning.

An Uncommon Youth

At an age when most adolescents are looking for ways to get into trouble, 15-year-old Steve Pece was looking for opportunity. Seizing an opening in a market that he knew, he formed a landscaping company. It was a modest operation at first, but it rapidly grew into a thriving business with a full roster of clients, employing 12-14 workers.

By the age of 20, Pece was ready to move on. He sold the landscaping company, invested the money in a bobcat tractor and created

Pece of Mind Environmental, Inc. to offer cleanup services at construction sites. With his easy, likeable manner and a wide-open market, he soon managed to secure contracts with all of the top home builders in Central Florida. He was building a reputation for excellence and reliability, always finishing on schedule and going the extra mile to make sure that everything was done right.

Although the business was successful, the work wasn't terribly challenging and Pece soon became restless. When a client asked if his company did demolition, he jumped at the chance. It didn't take long before he was hooked.

A Worthy Challenge

Pece applied his single-minded focus to his new goal, studying for his



contractor's exam at night and teaching himself how to estimate. He completely phased out construction cleanup within two years and it's been pure demolition ever since.

Within a year the company had its first bonded job and later its first ultra-high contact: demolishing the 12-story University Hotel in Gainesville, Florida with a crane and wrecking ball.

The company has taken on many memorable projects over the past 20 years, from demolishing all three of NASA's Orbital Processing Facilities at Kennedy Space Center to carefully taking down an imposing 12-story structure in Freedom Plaza. To make a difficult project even more challenging, the Washington D.C. structure was surrounded by historic buildings, on a busy intersection in the heart of winter.

For the future, Pece envisions continued expansion, possibly opening a second location in another state.



However Pece of Mind Environmental, Inc. grows, with Steve Pece at the helm, it's bound to be somewhere outside of the box. ■

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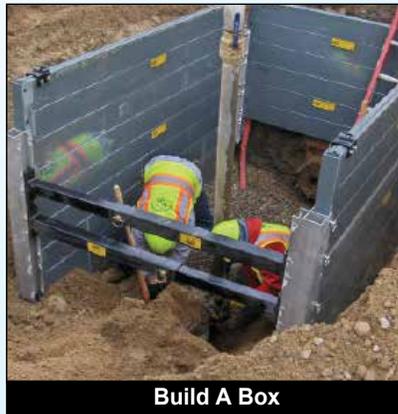
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Central Florida's Construction Safety Network

BY: TIM BERNARDI, SAFETY DIRECTOR, MADER SOUTHEAST

One of the great pleasures I've experienced over the twenty years I have worked in the Central Florida construction has been the camaraderie shared by the safety managers who work for the region's general contractors and subcontractors. Our industry is blessed with a strong network of extraordinary safety professionals who have an exceptional reputation for supporting a common goal of effectively managing hazards and protecting workers from harm.

Rooted in the belief that the importance of worker safety transcends competition, Central Florida's construction safety professionals have maintained a commitment to communicate – sharing innovative approaches, identifying emerging trends and embracing safety as a value.

"There are no trade secrets in safety management," explains Michelle Demarest, CSP and Principal Safety Professional with Walt Disney Parks and Resorts. Michelle currently serves as the Chairperson of the Alliance for Central Florida Safety – a committee that promotes occupational safety training and innovation. "Why would any safety professional care if a competitor uses their idea on another construction site or in another restaurant, park or hotel?

What's important is that no one gets hurt."

One of the most effective ways that local construction safety managers convene to share ideas and strengthen cooperation is through participation within a local network of professional organizations. In Central Florida, there are several opportunities to get involved, interact and connect with the local network of construction safety professionals.

Central Florida ABC Safety Committee

Consisting of ABC member safety managers, the safety committee works to support the chapter's objective to become the first choice and primary quality resource for both ABC members and the Central Florida Construction Industry -- providing superior products and services in the areas of safety training and education. Participating committee members help create training programs and other opportunities to support member contractors. Additionally, the committee works to promote ABC's Safety Training Evaluation Process (STEP) program – a complimentary (and confidential) self-assessment that identifies opportunities where contractor safety programs can be improved. In addition to creating and

supporting ABC programs, on occasion the committee will venture out to a construction site, to observe emerging trends and innovations in safety management.

For information regarding the ABC Safety Committee visit the chapter's website at abccentralflorida.com under the Education tab.

Central Florida ABC Safety Management Peer Group

Once or twice a year, safety professionals representing Central Florida contractors and related business models convene a meeting of ABC's Safety Management Peer Group. The casual event's primary objective is to provide the opportunity to establish or re-establish connections between the participating safety professionals.

The peer group meeting agenda includes updates from the region's professional organizations, announcements of events and training opportunities. This is typically followed by a presentation focusing on a specific topic of interest. The program ends with an hour long roundtable discussion covering new ideas, emerging trends and other pertinent topics.

continued on page 37

What to Do Before OSHA Comes Knocking

BY: PARKER RAINS, SENIOR VICE PRESIDENT, FISHER BROWN BOTTRELL INSURANCE

Every year, the U.S. Occupational Safety and Health Administration (OSHA) inspects workplaces around the country for safety and occupational hazards. In 2017 alone, OSHA conducted 32,408 inspections – more than half of which were unprogrammed inspections.

There are six reasons OSHA might come knocking on the door. They are (in order of priority):

1. imminent danger situations
2. severe injuries and illnesses
3. worker complaints;
4. referrals
5. targeted inspections
6. follow-up inspections.

OSHA determines which workplaces are the most hazardous by using the Days Away, Restricted or Transferred (DART) rate, a measurement of workplace injuries and illnesses that result in time away from work, restricted job roles or permanent transfers to new positions. Companies with a rate of seven or higher are immediately listed on OSHA's inspection list.

To calculate the company's DART rate using this formula: $(N/EH) \times 200,000$, where "N" is the number of cases involving days away from work, restricted work activity or job transfers due to an incident and "EH" is the total number of hours worked by all employees in the calendar year.



continued on page 37



Mechanical Insulation & Technologies, LLC

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BY: RICK SAWYER, PRESIDENT, MECHANICAL INSULATION & TECHNOLOGIES, LLC

History

Mechanical Insulation & Technologies was founded in Deltona, Florida in 1998. Starting out as a home-based business we have grown immensely over the last two decades.

In 2014 we established an office in Orange City, FL. Our new headquarters includes a full-time preconstruction team, a warehouse, and a base of operations to better serve the Central Florida area, including all counties along the I-4 Corridor and all of Brevard.

We provide insulation solutions for both mechanical and plumbing scopes of work including ductwork and piping, tank and vessel insulation, and jacketing and custom-fabricated removable insulation covers for pumps and other appurtenances.

Vision

Our vision has remained constant; to continue to grow by providing excellent service to our customers: Trustworthiness, Accountability, and Quality Workmanship. We do this by building a strong team around us.

Team

The importance of our employees' role cannot be overstated. We are constantly adding talented professionals to our team. We seek hard-working, honest individuals who possess a fondness for attention to detail and a pride in their workmanship. These are

the kinds of people we value and reward as team members.

Our philosophy is to build a team around talent, and to reward and nurture that talent, which, in turn, enables us to provide quality to our customers.

Projects

It has been our honor over the last twenty years to be able to work with and build relationships with many Mechanical and Plumbing Contractors as well as Owners and GCs. We have had the opportunity to provide services for the Disney theme parks, Universal Studios, Sea World, Orlando International Airport, Cape Canaveral Air Force Station, Patrick Air Force

Base, NASA, SpaceX, Embry Riddle Aeronautical University, and many more.

We believe that "You are only as good as your last job," and that "Our work speaks for itself." ■

“You are only as good as your last job, and our work speaks for itself.”

- Rick Sawyer, President



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Safety Network continued from page 35

For additional information regarding the next ABC Central Florida ABC Safety Management Peer Group meeting, please contact me (Timothy Bernardi) by email at tbernardi@madersontheast.com. Please Note: Space for this program is limited. Please RSVP if you plan to attend.

American Society of Safety Professionals Central Florida Chapter (ASSP)

ASSP is a global association for occupational safety and health professionals. For more than 100 years, the organization has participated in education programs, national events, standards development, advocacy and a professional community to support the advancement of its members and safety professionals as a whole.

The membership of the Central Florida chapter includes professionals from a variety of industries – including construction. Members enjoy the benefit of accessing education opportunities and training resources. The chapter hosts a luncheon on the first Monday of every month which features presentations by experts and prominent industry leaders. Occasionally the monthly event is designated for an onsite visit – an opportunity to tour agricultural and manufacturing facilities.

OSHA continued from page 35

During an inspection, OSHA's compliance safety and health officers scrutinize nearly every component of a company's health and safety programs, including the working conditions, written policies and procedures, employee trainings, record keeping requirements, documentation of routine safety inspections and more. When companies are not well prepared, an investigation can result in hefty fines and penalties.

To keep the company off OSHA's list, here are four tips to help prepare for an OSHA inspection:

Educate the team. It's not uncommon for OSHA compliance safety and health officers to hold interviews with employees during an inspection, so it's important that every employee understands what the process might look like. Some insurance companies provide free consultations on OSHA preparedness and can send a representative to train managers and team members who might be involved

For more information on events and chapter membership visit centralfl.assp.org.

Alliance for Central Florida Safety (ACFS)

An organization with a long history in Central Florida the Alliance for Central Florida Safety. The ACFS meets at 9 AM on the second Tuesday of every month at the Children's Safety Village of Central Florida located at 910 Fairvilla Road Orlando, FL 32808.

In addition to serving as a resource for occupational safety professionals, the ACFS' primary focus is the coordination of the annual Safety Day event. Recognized as Central Florida's premier occupational safety event, Safety Day boasts a daylong program of presentations and training. The 2019 event is scheduled for March 27th from 8:30 AM to 4 PM at the Rosen Plaza Resort 9700 International Drive, Orlando, FL 32819.

Safety Day features a strong agenda of speakers and presentations. In addition the event represents an exceptional opportunity for networking or reconnecting with safety professionals. The \$30 event registration fee (\$50 at the door) includes all of the day's programs, parking, lunch and continuing education units (CEUs).

in the inspection. Be sure to discuss this possibility with the company's broker.

Assign an inspection oversight committee. Gather a group of employees who will be responsible for escorting the inspector around the worksite. These team members should be fully vetted on the company's safety procedures. For example, it's important that they make sure records are easily accessible during an inspection, coordinate interviews with employees if the inspector asks, take notes and photographs during the inspection to note any citations that will need to be corrected, among other things.

Get paperwork in order. OSHA inspectors will request company records of all work-related injuries and illnesses. Make sure OSHA 300 logs are organized and updated regularly – well before an inspection is even suspected. Train employees on how to log incidents with accurate and detailed information in case inspectors have any questions about an incident.

For more information on the ACFS and Safety Day visit acfs.org.

Comite de Seguridad Manos a la Obra (Safety Committee Hands On)

Initiated by the safety management team at Balfour Beatty, Comite Manos a la Obra is a Spanish speaking safety committee focusing on the safety training needs of Spanish speaking construction workers. Manos a la Obra (translated as "Hands to Work") invites construction workers and safety personnel to participate in meetings presented in the Spanish language. The committee has experienced great success – sponsoring Spanish language safety training programs that include OSHA 10 hour, CPR/AED and first aid training.

For information on Comite Manos a la Obra please contact Werner Lange (Balfour Beatty) by email at wlange@Balfourbeattyus.com

Central Florida is a unique region that is currently benefiting from a robust economy and a construction industry that is exceptionally healthy. Speaking for myself it's reassuring that there is an industrious community of safety professionals and organizations that are working together to keep workers free from harm. ■

Practice proactivity. The best way to be prepared for an OSHA inspection is to conduct a run through or test every so often to identify potential health and safety issues that an OSHA inspector might find. This way company personnel can catch issues before an inspector does and correct them immediately. Being cognizant of how the company is keeping up with health and safety protocols, and fixing those snags along the way, may eradicate any problems that would warrant an inspection in the first place.

While a surprise OSHA inspection – or even a planned one – can be nerve-wracking, don't treat it like a fire drill. Eliminate some of the stress by following the tips mentioned above so the company is ready if and when OSHA comes knocking. ■

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Emergence of AI continued from page 21

industrial media using deep learning.

“Over the past couple years, it has become super easy to capture photos and videos on jobsites; now with Smartvid.io and Procore working together, we’re able to easily organize all this visual data and—better yet—use AI to find insights related to quality and safety on our job sites,” said Ajoy Bhattacharya, the senior director of innovation and new technology at Suffolk Construction.

ARTIFICIAL INTELLIGENT ASSISTANTS

Another example of how AI in construction can help improve worker safety and productivity is the use of an AI assistant for safety meetings. Leveraging recent advancements in the fields of natural language processing and machine learning, customizable AI assistants like Hendrix.ai, are

transforming safety meetings with the ability to identify and extract key details unique to the organization, providing greater visibility, communication and access to information across teams and worksites.

Speech-to-text accuracy is light years ahead of where it was just a few years ago thanks to massive increases in computing power and improvements in deep learning techniques, which is evident from the impeccable accuracy of Apple’s Siri, Amazon’s Alexa, Google’s Assistant and other personal virtual assistants.

In addition to being keen listeners, artificial intelligent assistants are also sharp observers that can review existing safety-related documentation, extract relevant information, such as details surround an incident, and analyze and correlate that information with additional data sets, like weather conditions at the time of the incident,

for unparalleled insights into potential causes and opportunities for improving worksite safety as a whole.

It’s becoming clear that the construction industry is about to undergo a major productivity revolution. New artificial intelligence applications seem to emerge nearly every day, and most large construction companies have already started reaping the benefits of artificial intelligence and turning this cutting-edge technology into a strong competitive advantage. Other companies in the construction industry should get onboard this productivity revolution or risk being left behind. ■

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ABC Efforts for 2019 Legislative Session

BY: CAROL BOWN, JD, CHIEF LOBBYIST, ASSOCIATED BUILDERS AND CONTRACTORS OF FLORIDA

Members of Associated Builders and Contractors from across the state, came together in Marco Island last July to help set the legislative agenda for the upcoming 2019 session. The items below were suggested, voted on and approved by mix of General and Specialty Contractors, Associates and Suppliers.

Permit Fee Transparency

Legislation would require all public entities to post their permit and inspection fee schedule on their website in an easy to access location. Additionally, public entities would be required to tie their schedules to their department budgets, highlighting any need for an increase or decrease in fees. This increased transparency and predictability assists the industry and owners.

Apprenticeship Regulatory Reform

This legislative effort would help streamline existing processes that govern how Apprenticeship Education providers receive funding from the state. It would also increase reporting responsibilities by the Department to the legislature on the number of apprentices trained by trade, by group by region and highlight the funding per apprentice per trade. This increased transparency and predictability assists Apprenticeship Education providers and the state by ensuring that they are training as many apprentices as possible for their funding commitment.

Workforce Task Force Funding

ABC continues to chair the statewide Workforce Task Force, made up of 22 industry partners from around the state. The Task Force is requested funding to continue efforts like creating a statewide website where employers can identify employees looking for work, who have training or need training, and then can identify the available training opportunities in their area. This process would also assist in marketing the important of having a skilled work force in Florida.

Reduction in Retainage on Public Works Projects

This regulatory change would ONLY apply on public works projects between the public owner and the contracting team awarded the work. It would not adjust the relationship between the GC and their subcontractors. Florida's current rate is 10% retainage reduced to 5% at 50% completion. The national trend seems to be to start at 5% and reduce it to 2.5% or eliminate it at 50% completion. This bill would have that 5% - 2.5% split.

Owner-Direct Purchase Process Reform

This effort would streamline the process by which public entities realize their tax savings on the purchase of construction materials on public works project by assigning their tax-free purchasing privileges to the General Contractor for the duration of the project.

If you would like to help ABC with these legislative efforts in 2019 - there are a variety of ways in which you can offer your assistance. From attending our Legislative Conference, to offering your insight during session, to serving as a Legislative Key Contact, all help is welcomed. Please contact Mark Wylie, President & CEO, Central Florida Chapter ABC, mwylie@abccentralflorida.org for more information on how you can offer your help. ■



Florida Ranks First on Merit Shop Scorecard; Illinois Remains Last

BY: JOANNA MASTERSON, SENIOR EDITOR, CONSTRUCTION EXECUTIVE

Florida jumped from ninth place to first place on Associated Builders and Contractors' 2018 Merit Shop Scorecard based on the state's free enterprise and open competition approach to the construction sector, increased career and technical education opportunities, and job growth rates. Now in its fourth year, the scorecard rates



laws, programs, policies and statistics to highlight states that have created the conditions for growth and identify areas where strategic improvements are needed.

Michigan saw the biggest improvement in its ranking, vaulting from 24th in 2017 to seventh this year after the repeal of its prevailing wage law, which will result in greater competition and lower costs for construction projects.

Comparatively, California tumbled from the 38th to the 50th position this year due to a decreased focus on workforce development and CTE. California was trailed only by Illinois, which ranked last for the second year in a row with an F rating in project labor agreements, prevailing wage, Right to Work and workforce development incentives. ■

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Companies Take a New Approach to Alleviate Truck Order Backlog for 2019

BY: BRIAN HOLLAND, PRESIDENT AND CEO, FLEET ADVANTAGE

Truck procurement has been a major challenge for many private fleets and for-hire carriers this year. This challenge has been emphasized by the backlog of orders for Class-8 heavy-duty trucks, largely stemming from an American economy that has been healthy and resilient ever since the Great Recession ended in 2010, and a dilapidated industry philosophy toward truck procurement that is now changing.

According to the latest truck orders data, preliminary North American Class-8 orders for August—typically a weak order month—topped the historic records set in July. FTR Transportation Intelligence reported 52,400 units were ordered in August; ACT Research reported Class-8 orders at 53,100.

As a result, orders for trucks are now up 153 percent year-over-year. What's more, six of the top 12 order months on record happened in the first eight months of 2018.

The heated economy means that more companies are shipping goods across the country; more businesses are in need of re-stocking shelves and inventory; more consumers are in need of goods ordered online and thus the transport of those shipments; and as a result, trucks are working overtime.

In fact, September 2018 marks the ten-year anniversary of when the American economy saw its deepest, darkest moments of the Great Recession, when America witnessed the meltdown of financial markets leading to the loss of millions of jobs and homes. Since then, the country has added jobs every month for almost eight years, and the bull market that began in 2009 is now the longest in history and continues today.

Trucks and transportation have been the lifeblood of this economic engine.

Replacement and truck procurement strategies that help the economy stay moving need to be carefully considered, especially as we enter the final months of 2018 when companies take a closer look at their bottom line.

The long-standing business philosophy was for organizations to make purchase orders of trucks en masse, while driving them for anywhere between five and ten years of service, or even longer, as a way to squeeze

every penny out of the truck's usage. However, data and analytics are proving this model to be costly and ineffective. Instead, private fleets and for-hire carriers are realizing they can achieve more savings on the truck's overall impact to the bottom line, as well as maintenance and repair (M&R)—the highest variable and volatile cost of a fleet operation by moving to a shorter lifecycle.

When transportation companies drive their trucks as long as possible, they operate on functional obsolescence, making decisions based on the truck's ability to stay on the road. In most cases, when firms let the truck dictate the timetable for replacement, firms are left scrambling to order a new truck based off limited planning cycles. Today's backlog of truck orders is a result of this, as the multiplier effect of many transportation firms and this philosophy have caught up to them.

Instead, today's leading private fleets and for-hire carriers are taking a different approach.

Truck organizations are now paying closer attention to a truck's point at which it costs more to operate a truck than it does to replace it with a newer model, called TIIPPINGPOINT. Factors such as the cost of fuel, utilization, finance costs, and M&R, are all factored into arriving at each truck's unique TIIPPINGPOINT, giving fleet operations personnel and finance departments a closer look based on data and analytics into determining and even predicting the optimum time to replace an aging truck.

As an example, a recent analysis of long-term ownership versus shorter lifecycle management illustrates a significant cost savings over time. A fleet that opted for a four-year lease model on a truck would save approximately \$27,893 per truck in comparison to a seven-year ownership model because of the aforementioned factors such as fuel, use, financing and M&R. The shorter lease model is also cost-effective when compared to just a four-year ownership model, showing average savings of \$12,710.

This approach offers flexibility to adapt to changing markets, ultimately driving down operational costs while strengthening the corporate image and driver recruitment and retention efforts by continuously upgrading to newer trucks. Companies are leveraging data analytics and comprehensive fleet studies that produce a fleet modernization and utilization plan, projecting when aging equipment will need to be replaced. This is especially effective with today's fluctuating demand and the current booming economy as companies trying to acquire equipment solely based on demand are faced with equipment shortages and long lead times.

Just as important, recent changes to the corporate tax rate, as well as new accounting standards, have made it more attractive to lease equipment. With these changes, at least in the case of truck acquisition, purchase of equipment remains costlier compared with shorter-term leasing of the equipment. What's more, leasing remains the preferred method for companies regardless if they have a stronger or weaker balance sheet. In addition, leasing also allows companies to avoid the risk of residual value and the expense of remarketing.

By adopting this new mindset of shorter truck lifecycles, transportation companies will become better equipped at replacing their aging truck fleets in a more cost-efficient manner heading into 2019. ■

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Indemnification: A Useful Tool for Allocating Risk in Construction Contracts

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Indemnification provisions require one party to compensate for losses incurred by another. The purpose of an indemnification clause is to provide an agreed upon allocation of risks between the parties. Like any other contractual clause, it is important to draft with precision to avoid unintended consequences. In other words, to ensure that the party intended to bear a certain risk is the one held responsible if that risk materializes.

INDEMNIFIED PARTIES

The indemnitor is the party responsible for compensating for the loss and the indemnitee is the party who will benefit. When drafting the clause, be sure to define the indemnitee to include everyone intended to be protected.

Typically, in construction contracts, the indemnitor is the contractor and the indemnitee is the owner. But the indemnification provision should also protect related third parties that may suffer a loss as a result of the contractor's conduct, such as the owner's lender, project manager, agents, employees, consultants and affiliated companies.

DEFINE THE LOSS

An indemnitor must broadly compensate an indemnitee for all losses specified in the indemnification provision. Certain losses often create disputes. Address them specifically when drafting:

- **Attorneys' Fees and Costs.** Specify whether attorneys' fees are recoverable. For costs, specify whether only court costs are recoverable or if included are expert and consultant fees, and other attorney costs, such as those associated with electronic discovery. Additionally, clarify whether such fees and costs are recoverable in the context of first-party claims, third-party claims or both; and
- **Consequential Damages.** Often, contracts have separate provisions addressing limitations on the recovery of consequential damages which can lead to ambiguity. Clarify how these provisions should interact. And parties often do not agree whether specific types of damages are "consequential."

Drafting damage limitation provisions defining specific types of damages that are not recoverable, rather than relying on the word "consequential" will help avoid later disputes

DEFINE THE INDEMNIFIED CONDUCT

Common indemnification provisions protect an indemnitee for breach of representation or warranty, breach of another contractual obligation, violation of law and third-party claims against the indemnitee. But carefully negotiate and draft the indemnification provision to address the types of claims for which allocation of risk is intended.

Depending on the agreement, some examples for crafting a specific indemnification provision include:

- **"Carve-out" Provisions.** Parties can agree to limit the obligations of the indemnitor in any number of ways. Some common examples include:
 - Contractor shall not be liable to indemnify owner for any damages, until owner has first suffered aggregate losses relating to such matters in excess of \$X (or for individual losses in excess of \$X).
 - Contractor shall indemnify owner from claims ... but only to the extent caused by the intentional or negligent acts or omissions of the contractor.
 - Contractor shall indemnify owner from claims ... provided that such claim is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself).
 - Contractor shall indemnify Owner from claims... except to the extent that Losses result from the negligence, unlawful or wrongful acts of the Indemnified Parties.
- **"Catch-All" Provisions.** Any other breach of obligation or duty under this Agreement or under applicable law.

Clearly define whose conduct is covered by the indemnity. Typically, in a construction contract, a contractor should indemnify the owner against the contractor's conduct and the conduct of subcontractors, material or equipment suppliers, anyone employed by them,



and anyone for whose acts they may be liable.

When drafting an indemnification provision for a construction contract, specifically consider mechanics' liens. Typically, an owner expects a contractor to indemnify it against mechanics' liens asserted by subcontractors and suppliers. Clearly state whether the contractor's obligation to indemnify against liens applies when there is a dispute between owner and contractor and when contractor believes the lien claim to be valid.

INTERACTION WITH OTHER LAW

Most jurisdictions recognize a common law right to indemnification. When drafting a contractual indemnification clause, specify whether contractual indemnification abrogates or supplements those rights. Similarly, specify whether the parties' right to sue for contractual indemnification is in addition to or replaces the parties' common law claims for breach of contract.

State laws may limit the enforceability of indemnification provisions. In addition to researching and understanding the laws applicable to the contract, preface any indemnification provision with the clause "to the fullest extent permitted by law" and include a provision that, "if the contract is to be enforced under the laws of a state that prohibits any part of the indemnity coverage provided for in the contract, the contractor shall provide the maximum indemnity coverage allowed by that state to each of the indemnitees." ■

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