

LONG ISLAND

SUMMER 2020

ROAD WARRIORS

A publication of the Long Island Contractors' Association

John Durso:
UNMASKED

A look at the man behind the mask and the many roles he plays in our region.

SPECIAL ISSUE:

The Road to Recovery

John R. Durso
President
Local 338 RWDSU/UFCW
& Long Island Federation
of Labor/AFL-CIO





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Long Island ROAD WARRIORS is the official magazine of the Long Island Contractors' Association, Inc. (LICA). LICA represents the interests of the region's premier heavy construction general contractors, subcontractors, suppliers and industry supporters. Focused primarily in the transportation infrastructure construction industry such as highways, bridges, rail, sewers and other public works, LICA's member companies play a significant role within Long Island's Nassau and Suffolk Counties. The economic impact of the industry contributes \$4 billion to the area's local gross regional product.

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Diner Discussions and the Road to Recovery

Astute Long Islanders know that major decisions affecting our region do not take place in corporate board rooms or seats of government. They take place at tables inside many of the diners scattered throughout our suburban landscape.

I vividly recall many years ago sitting across a negotiation table (one featuring a familiar mini-juke box mounted between the diner booth and window) discussing present-day labor-management issues. Here I was, as the leader of one of our region's largest employer trade associations and seated opposite me was John Durso, head of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) for Long Island. That day, we did not seek any collective bargaining agreements, but instead, we engaged in a much broader discussion regarding how we could work collaboratively together in the future.

That meeting was probably as routine as any other that begins with the "coffee, scrambled eggs, bacon, hash browns, buttered toast" but that day's conversation conjured up memories of my dad – my role model – who often shared with me his opinions on bosses and workers. As a principal in the largest Long Island printing firm at the time, my dad would leave our home every morning dressed in a suit and tie. Although he would probably have been more comfortable working alongside his fellow pressmen, sporting printing ink beneath his fingernails. He never forgot his roots. More importantly, he valued the workforce and made sure management continued to recognize the benefit of their collaboration and cooperation, knowing that success comes from working together as a team.

My diner meeting with John Durso unveiled that we were not sitting on opposite sides of the table, but, rather, we were standing together as brothers, from a place of shared experi-

ences and similar beliefs. Conflict and disagreements are inevitable (as in any relationship), but a commitment toward common goals are essential. The labor movement stresses the bond of "brotherhood." It emphasizes commonality. John Durso epitomizes the strength of working together as one.

The personal and economic devastation caused by COVID-19 has hit our nation and our Island, hard. So, now more than ever, it is critical that labor and management come together, working hand in hand with local, state and federal governments, to help our region put the worst of the pandemic behind us. As we seek to build our "Road to Recovery", we both recognize that infrastructure investment will play a pivotal role in the economic success (or failure) of our region. As John said in his interview, "Infrastructure, without question, is the driver of the economy."

To that end, LICA created an Economic Recovery dashboard document (found on pages 28-29) which provides a brief outline and visual glance of many much-needed public works projects which could be prioritized and accelerated to stimulate the economy and create additional high-quality jobs for local residents. LICA has shared this document and related suggestions with our industry and labor partners, lawmakers and business leaders, and we are pleased to share it with our readers as well.

I hope you find the many feature articles contained within this issue of Long Island Road Warriors to be both interesting and informative. I also hope you enjoy our cover story, as we "unmask" my brother, John, who can be found fighting for the common good of Long Island, whether inside a union hall or across the table at a local diner.

Sincerely,



Marc Herbst, Executive Director
Long Island Contractors' Association



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OPTIMIZING SURETY CREDIT AS AMERICA STARTS BUILDING AGAIN

by Gregory Steele, Director at Construction Risk Partners

As America’s attention shifts towards cultural growth and economic recovery, there’s no question the construction industry will play a leading role in building the “road to recovery.” That said, maintaining a surety program that continues to support your business plan and help gain competitive advantage is critically important.

How will the pandemic and resulting economic conditions impact the surety market and your surety relationship?

The pandemic has heightened the risk factors that have been developing over the past few years, including:

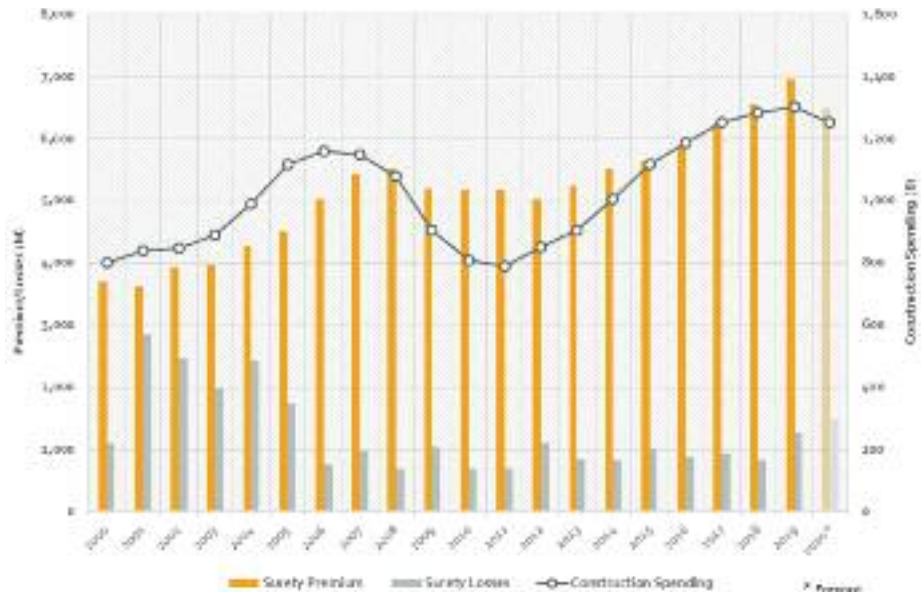
- Skilled labor shortage
- Unbalanced contractual risk allocation
- Unrealistic project schedules
- Operationally and financially stretched companies driven by record backlog/revenue growth

A major consideration in determining the creditworthiness of a contractor is whether a company has sufficient liquidity to prosecute their work, enabling them to withstand any project issues that may arise. The current environment has caused unprecedented uncertainty and disruption, with many projects delayed or stopped. Additionally, the pipeline of new project opportunities has certainly been impacted with concerns regarding available funding for new public and private projects.

Many of our clients have applied for, and in many cases obtained, Paycheck Protection Program (PPP) loans under the CARES Act to help supplement liquidity during this difficult time. Sureties have been supportive of PPP loans as they focus on a contractor’s cash and liquidity to weather difficult times. Although sureties are proponents of contractors securing bank lines as a temporary cushion to their working capital needs, they generally have a negative view of continual bank line of credit usage to cover operating expenses. PPP loans are a solid strategy for contractors to secure financing, when appropriate, leaving bank lines available for future unknown expenses. Sureties are also looking for a more holistic strategy from clients on how they are maximizing their cash position through this crisis.

Article continued on page 17

Figure 1:
Surety and Fidelity Association of America (SFAA) Calendar Year 2019 Top 100 Surety Writers





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PPP Changes are Welcome News for Long Island Contractors

By David Freda, CPA, CCIFP, Construction Partner, Grassi



When the Paycheck Protection Program (PPP) was introduced in the CARES Act on March 27, legislators and business owners alike could have never imagined the longevity and full impact of the COVID-19 crisis. Since the Act was signed, full industries have been forced to shut down, an additional \$484 billion was poured into its relief programs, and many areas of the country find themselves in their third month of quarantine.

In hindsight, the original version of the PPP fell far short of covering the number of businesses that needed relief and providing them with realistic parameters to achieve the program's coveted loan forgiveness. The PPP Flexibility Act, signed into law on June 5, corrected some of these deficiencies and created more parity for PPP borrowers in metropolitan areas like Long Island.

What this Means for Long Island Contractors

Long Island construction companies were among those who had the most to lose if the original PPP guidelines did not change. Fortunately, the PPP Flexibility Act addressed two of their greatest areas of concern:

- The new Act extended the covered period – during which loan proceeds must be spent to achieve maximum loan forgiveness – from 8 weeks to the earlier of 24 weeks or December 31, 2020. This was especially significant for contractors with “non-essential” projects that were only allowed to reopen in Long Island on May 27, leaving little opportunity to spend loan funds in the immediate 8 weeks after the loan was received.
- Another major concern facing PPP borrowers in Long Island was the requirement to use at least 75% of the loan funds on cash compensation and health and retirement benefits (i.e., payroll costs). Given the higher-than-average rent and mortgage rates in the NYC metropolitan area, businesses in Long Island were at a huge disadvantage, especially as payroll costs declined during the shutdown. The PPP Flexibility Act changed that ratio to 60% payroll costs and 40% non-payroll costs, creating more flexibility for businesses in hard-hit states like New York to achieve loan forgiveness.

Other Highlights of the PPP Flexibility Act

While the extension of the covered period and the shift in payroll to non-payroll ratio were two of the most anticipated changes, the PPP Flexibility Act made other significant improvements to benefit borrowers:

- Employers now have until December 31, 2020 (formerly June 30, 2020) to restore reductions in workforce or pay that would reduce the amount of loan forgiveness.
- Borrowers who receive loan forgiveness may defer paying the employer's portion of FICA for the remainder of 2020.
- Borrowers who apply for a PPP loan after June 5 will have 5 years (formerly 2 years) to repay the loan if they are not seeking loan forgiveness. For loans taken out before June 5, borrowers may work with their lenders to adjust the repayment term up to 5 years.
- The new Act extended the start of loan repayment to 10 months after the end of the covered period for borrowers not seeking loan forgiveness. For borrowers seeking loan forgiveness, the repayment date will not start until 6 months after the covered period, until they achieve loan forgiveness.

The unprecedented nature of the COVID-19 crisis calls for unprecedented relief, and these enhancements go a long way to providing it through the PPP.

If the original guidelines and their implications on your Long Island business caused you to hesitate to apply for a PPP loan, another piece of good news is that there is still time. As of June 8, \$130 billion of the PPP funding was still available. Businesses with 500 or fewer employees, or that can meet alternative sizing tests, can apply through a participating lender until June 30, 2020.



David Freda is a Construction Partner in Grassi's Jericho, NY office. He has been advising contractors on the PPP application and loan forgiveness process throughout the program's many changes and updates. You can reach him at dfreda@grassicpas.com or 516.336.2417



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Early Warning: The Benefits of Coronavirus Detection in Wastewater



By Beverley Stinson, PhD - Water Business Line Executive, AECOM

With every passing week, scientists and researchers learn more about COVID-19, how it is transmitted and how it behaves. However, until a vaccine is formulated and readily available to the general population, one of the best defenses against the virus and its spread is data.

Using wastewater to detect coronavirus hot spots has been in the news lately, and can provide valuable information to national, state, and local governments about virus concentration trends. As the only leading indicator, wastewater analysis can detect the virus in waste streams up to two weeks before people begin to exhibit symptoms and anticipate upcoming decreases or increases of virus infections in the population of a given area. (While remnants of the virus are detectable in wastewater, recent studies indicate that they are no longer infective.) The resulting data can enable public health officials to best prepare to support impacted communities.

Similar studies have now been performed for several years with opioid concentrations in wastewater, giving public officials a valuable indication of how best to respond in impacted cities and neighborhoods.

AECOM has developed a strategic approach to wastewater testing providing a critical tool in identifying emerging cases of infection, streamlining individual testing protocols, and helping public officials to determine if their response measures are effective. Currently, AECOM is involved with three major monitoring programs in the United States, including one in New Jersey.

AECOM's strategy to implement nationwide COVID-19 wastewater sampling, testing and analysis addresses three key concerns for government officials and the public. These include: 1. how can the government provide confidence that the disease is at low levels to support the re-opening of the economy?; 2. how can we receive advance notification that there is a potential for virus re-emergence, especially as we approach the fall and winter of 2020?; 3. can we limit shutdowns to localized areas without closing the entire economy?; and how can we do so quickly and with very limited resources?

In addition to the systemic implementation of a national wastewater detection program providing health officials with insight into the increase or decrease of COVID-19 within specific communities, significantly ahead of the appearance of physical symptoms, it can also provide the public with an indicator of the relative safety of their local community. Having insight into trends of re-emergence could expedite the deployment of medical resources to resurgent communities, advance the protection of the most vulnerable, and facilitate the development of consistent, nationwide testing protocols that allow for distributed laboratory testing across the United States. The other important characteristic of this leading indicator data is that it conveys important health information without compromising individual privacy.

While the race to a vaccine for COVID-19 continues—the best defense is a strong offense and leading indicator detection in wastewater is a critical tool in officials' toolkits as they develop mitigation and response measures to best support impacted communities.



LICA Member Firms Lead Response to COVID-19 Pandemic at Stony Brook University

In mid-March, as the deadly COVID-19 pandemic made its way across the country toward New York, Governor Cuomo called upon the U.S. Army Corps of Engineers (USACE) for "rapid deployment" of an alternate care facility to be constructed on a multi-acre site at Stony Brook University. This facility would provide critical additional capacity, as needed, to care for coronavirus patients at the height of the crisis, handling overflow and helping to avoid overcrowding at other NY metro area hospitals. The workforce, averaging 800 people/day, was comprised of mostly local and trade professionals including many LICA members and was fully completed in only 27 days.

LICA member EE Cruz & Company, Inc. was enlisted, early on, as part of the design-build team to help prepare the multi-acre site and create access roads that would be needed to reach the new 1,028 bed facility. "E.E. Cruz as a whole, became a direct responder to the COVID-19 pandemic - we were a part of the solution" said Project Manager, Andrew Goetz. Several other LICA member firms were also brought in to help with the project. EE Cruz called in new LICA member Tomcon Industries to do an initial assessment of the jobsite then provide a variety of heavy equipment to perform the necessary clearing and excavation. Tomcon owner Tom Ciminello has said that he and his company were honored to have been involved in this important "call to duty."

Posillico, Bove Industries and H.O. Penn were a few other LICA members who served as subcontractors or vendors for EE Cruz, lending their efforts to this important project. Posillico supplied over 7,000 tons of RCA (recycled concrete aggregate) and installed 4,000 tons of roadway asphalt and 900' of asphalt curbing throughout the complex. They also accepted over 9,000 tons of fill removed from the site. Most of the work was performed in the evenings with the final day of work being completed the weekend the site opened.





"Our firms are always looking out for the community. These last few months, it was a good feeling to be able to have our firms proudly assist in efforts to alleviate the crisis with the resources they could provide," said LICA Executive Director Marc Herbst.



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UNITED WAY OF LONG ISLAND RESPONDS TO FAMILIES AFFECTED BY COVID-19

In response to the COVID-19 public health emergency, United Way of Long Island established **United Together** during March 2020. The program is addressing the near and long-term recovery needs of our neighbors across Long Island.

On Long Island, the COVID-19 pandemic has taught us that, once again as in past emergencies, there is strength in numbers. With more than 2,000 donors which include foundations, philanthropists, organized labor, professional sports teams, corporations, small businesses, and individuals, **United Together** - United Way of Long Island's Response Fund for COVID-19 has raised more than \$1.5 million.

WHAT WE ARE DOING

With a safety net of community partners, thousands of lives have been impacted, including families, individuals, veterans, young mothers with newborns and health care responders. Since United Way of Long Island launched United Together to support our neighbors in need we have:

- Provided 6,000 newly unemployed individuals with emergency gift cards to help their families afford critical basic needs of food and household supplies.
- Launched Health Care Heroes which has provided more than 1,500 meals to hospital workers across Long Island.
- Established Born United – a community baby shower helping 2,000 families afford baby basics during COVID-19.

We've even received letters of gratitude from the lives we touched:

"Today was difficult for me fighting the hardships of this time. I received my gift card and knowing that there is support is comforting. I just want to give thanks to all who work with United Way."

"I just wanted to say thank you so much for my gift card. It really came in time of need. I pray for you all and say thank you again. I really appreciate it."

But there is still much more work to be done to help the thousands of families who are in dire need of assistance.

In the coming weeks and months, as we learn more about the evolving needs of families we will continue doing everything we can do to meet them.

WHAT'S AHEAD

United Way of Long Island is currently transitioning from response to recovery. Through **United Together**, we will help to rapidly and responsibly deploy solutions and resources to help Long Islanders navigate near-and longer-term challenges from COVID-19, ensuring that critical resources are available for those in our community who need it most.

Please join the list of Champions, together, we can rebuild and reimagine our Long Island communities. Interested philanthropic partners, please contact United Way's President & CEO, Theresa Regnante at tregnante@unitedwayli.org or 631-940-3701 Chief Development Officer, Craig Fligstein at craig@unitedwayli.org or 631-940-3752 or visit www.unitedwayli.org.

Leading funders of **United Together**: A Response Fund For COVID-19 include: Bank of America, New York Jets, Rauch Foundation, National Grid, M&T Bank, The Countess Moira Charitable Foundation, Brookhaven National Lab/Brookhaven Science Associates, PSEG Long Island, The Amerisource-Bergen Foundation, Bethpage Federal Credit Union, MSC Industrial Supply Co., Northville Industries,

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211 LONG ISLAND: IMMEDIATE ASSISTANCE

United Way's 211 information helpline is available 24 hours, 7 days a week to provide referrals to available local services should you continue to need assistance. All calls are confidential and service is available in multiple languages. Dial 2-1-1, or outside of Nassau and Suffolk Counties 1-888-774-7633 or visit 211longisland.org.



Optimizing Surety Credit as America Starts Building Again

Article continued from page 7

It is too early to determine the ultimate impact to the construction economy and contractors. However, even if backlogs move forward with limited project shutdowns, new safety guidelines and supply chain disruption will cause slower productivity and project inefficiencies. These dynamics are expected to result in an uptick of Surety and Subcontractor Default Insurance loss frequency, and the severity will ultimately dictate how carriers in both product lines react and deploy future capital.

Given the excess surety capacity from years of capital flowing into the profitable surety line of business, we do not expect demand to catch up with supply in the short term. That said, increased loss activity has begun to result in some change in underwriting behavior. Contractors of strong credit quality are expected to receive mostly uninterrupted support, while contractors with preexisting underwriting concerns will see increased scrutiny and potential re-underwriting. This is especially true for contractors who have struggled to successfully manage cash flow and liquidity during good times.

Bottom line is the surety industry remains healthy, but changing dynamics are leading to a more conservative underwriting approach. It has never been more critical to partner with a professional surety

advisor who possesses the expertise and market influence to ensure stable and ample surety support. Given the vested and aligned interest in a client's success, we recommend increased lines of communications and flow of financial information to support real-time decision making. Avoiding surprises will be paramount to proactively optimizing your surety credit facility. Additionally, it's a two-way street, so leverage the partnership. Utilize your surety teams' resources and capabilities to support strategic decisions during these unprecedented times.

As we make our way through hopefully the later innings of the COVID-19 pandemic, there are still many unknowns in terms of the ultimate economic and human impact. What we do know, is that construction firms have always been, and will continue to be, complex problem solvers and experts at managing evolving risks. We also know that Construction Risk Partners is singularly focused on adding meaningful value to our clients before, during, and after COVID-19.



Gregory Steele
Director



John Durso: UNMASKED

Arriving at our near-empty office complex, John Durso appears for his interview sporting a disposable face mask and the need for a haircut, long overdue. But his easy demeanor and cheery eyes are enough to convey his smile despite the lack of visual evidence.

Like much of the American public, John's appearance is a reflection of the challenging times we live in—the "new abnormal" as some have said. The mask serves as a visible sign of people doing their part to ensure the well-being of others and protecting the most vulnerable. Coincidentally, you'll find that John Durso has been doing exactly that, UNMASKED, for most of his adult life.

IN "CONTROL"

These days, John may wear a single facemask, but for years he has worn many hats. In addition to serving the greater good as a member of the board for the United Way of Long Island, Nassau County Community College, The Rauch Foundation and EAC Network (among others), he is the current long-time President of Local 338 RWDSU/UFCW and President of the Long Island Federation of Labor/AFL-CIO since 2005.

Recognizing Durso's dedication and stature in the community, he was recently asked to take another post of great importance—serving as one of six appointees to Governor Andrew Cuomo's "Regional Control Room" for Long Island. This small but powerful group, formed in mid-May, is responsible for advising the Governor on suggestions and logistics for re-opening our economy while carefully monitoring the region for any signs of another potential virus spike.

Each afternoon John and his Control Room colleagues: Kevin Law, Co-Chair of the Regional Economic Development Council (REDC) and President & CEO of the Long Island Association; Nassau and Suffolk County Executives Laura Curran and Steve Bellone, respectively; Tracey Edwards, LI Regional Director of the NAACP; and Eric Gertler, President & CEO of Empire State Development (ESD) meet to review the latest metrics for critical indicators such as hospitalization rates, number of tests completed and the percentage of positive test results. Any areas of concern are immediately flagged by the group so they can be reviewed and addressed by the Governor.

John's contributions to the group also focus on getting as many people back to work as possible, while keeping frontline and essential workers safe. He is proud of how union and management came together to arrange for SUNY Farmingdale and Hofstra nursing students to serve as much-needed contact tracers, so that New

John's contributions...focus on getting as many people back to work as possible, while keeping frontline and essential workers safe.

York could qualify more quickly to re-open. He also uses his platform to reiterate the importance that our federal government keep state and local governments solvent and functioning, to ensure that Long Island stays competitive through continued infrastructure investment.

Durso has ALWAYS known that these often “invisible” workers... are critically important and ESSENTIAL to the public, for our collective economic and personal well-being.

Durso’s comments often echo the sentiments (and sanity) of New York Governor Andrew Cuomo, whom he has known for years and considers a good friend. John, like many, believes Cuomo’s leadership during this crucial time in history has been vitally important and “something this state and country needed.” Acknowledging that the Governor is “a strong-willed individual” (an understatement, some would say), he also knows that Cuomo takes his responsibilities VERY seriously. Politics aside, John firmly believes the Governor will always do what is best for the people. At a time when our state has been particularly hard hit, it’s good to have someone as dedicated and determined as the Governor fighting on behalf of all New Yorkers.

ALWAYS “ESSENTIAL”

The COVID-19 pandemic has caused the world to re-think some core concepts, from what is normal to what (and who) is necessary to maintain our quality of life. As President of Local 338 and the LI Federation of Labor, Durso has ALWAYS known that these often “invisible” workers—the drug store, supermarket and pharmacy clerks; dairy, restaurant, wholesale and retail food service workers; public employees, janitors and healthcare workers in particular—are critically important and ESSENTIAL to the public, for our collective economic and personal well-being.

John’s knowledge of the vital contributions his members make to our communities is something he can attest to personally, having started his own career in 1970 as a deli clerk at a local Waldbaum’s supermarket where he joined Local 338. It’s also where he would meet his current wife of 38 years, Peggy, a bookkeeper for Waldbaum’s and fellow Local 338 member. Durso would work his way up to store manager in 1982 before being recruited to work for the union itself, by Manny Laub, his original union rep from 1970, who had since become John’s mentor and friend, as well as President of Local 338.

Fifteen years later, John would be elected to fill Manny’s shoes as President, after his passing in 1999. John recalls early comments from supervisors who would say he always took the side of the union, so he “might as well go to work for them” and reflects on how Manny’s invitation to join the union changed his life. Apparently, representing 16,000+ RWDSU/UFCW members (Retail, Wholesale and Department Store Union/United Food and Commercial Workers) and another 250,000+ from the Long Island Federation of Labor/AFL-CIO, is a role John was seemingly destined for.

A MAN OF THE PEOPLE

You might not expect the son of a father and grandfather, who worked in Republican politics their entire lives, to be the head of two powerful labor unions. Even his mother, on occasion, jokes that John’s dad “is turning over in his grave.” But the way John sees it, the Republican party left him, more than he left the party... but it apparently hasn’t left the family entirely. While John’s two youngest (Jessica & Jim) work in HR and as a teacher (respectively), his eldest, John Jr., is a former N.Y.S. Republican Political Director, and son Michael, a Town of Oyster Bay sanitation inspector, is currently the 2020 Republican candidate for the New York Assembly’s 9th District.

However, John doesn’t view unions as a blue or red political issue. His members support candidates on both sides of the aisle as long as they support the rights of working men and women, many of whom are the “heroes” of today’s COVID-19 pandemic. These are the very same workers who, for years, have gone unnoticed and underappreciated, but thanks to the union, not underrepresented.

Giving workers a voice to enable them to make their lives better by earning a decent wage and benefits is not only the right thing to do, but for John, it’s something he considers a sacred responsibility. He is a fair but fierce defender of his members’ and workers’ rights. He is well known and well respected by business and labor leaders across the state, as well as political leaders across the aisle. Because John has personally “walked-the-walk,” he has earned the right to “talk-the-talk.”

WORKING TOGETHER FOR A BETTER FUTURE

Despite the terrible tragedy of lives and livelihoods lost to the pandemic, there have been some important, positive side notes for the union and its members.

- **HI-HO, HI-HO:** While unemployment rates skyrocketed, the majority of Local 338’s membership were (thankfully, for us all) ready, willing and able to continue working. With many of their jobs deemed essential (and plenty of overtime available), workers were able to keep their personal, as well as our regional, economies afloat. If/when things return to “normal” and regular work schedules resume, John says no layoffs are expected.
- **R-E-S-P-E-C-T:** The unexpected spotlight cast on essential workers highlighted the critical role they play in our lives, thereby raising their visibility and, frankly, their level of respect among the general public. When speaking of the thousands of union employees who worked ungodly hours to keep shelves stocked, prescriptions filled, families fed, and loved ones cared for, Durso simply said he has “never been prouder.”
- **LESS IS MORE:** Pandemics, like politics, make for strange, but sometimes productive, bedfellows. During the crisis, unions and employers teamed up to donate more than 100,000 masks, gloves, shields, and literally, tons of hand sanitizer to their members, keeping both workers and the public safe. Centralized communications helped emphasize safety and education, and provided all parties with critical information on the latest guide-

Story continued on page 21

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lines and protocols. Best of all, this joint effort resulted in fewer numbers of COVID-19 cases among union workers. Despite their prolonged working hours and greater risk exposure, the infection rate among union employees was better than most and lower than the general public average.

- **UNION VALUE ON DISPLAY:** As part of the heroes/hazard pay negotiated by the union, workers who were either too concerned or too compromised due to their own health or a family members' health could stay at home and still get paid—another benefit that protected the vulnerable and kept infection rates low. Although the majority of members opted to continue working, this benefit eliminated the unbearable choice for some, risking their health vs. losing their paycheck. Knowing they had this type of support, if needed, was instrumental in keeping many essential union workers on the job, ensuring that vital supplies and services would remain available to the public so we could all get through this together. Construction worker or not, this crisis further cemented the clear value of having a union workforce.

Despite their prolonged working hours and greater risk exposure, union member infection rates were actually better than most...

STRENGTH IN NUMBERS

As President of the Long Island Federation of Labor, AFL-CIO, John represents 250,000+ members from over 160 AFL-CIO unions, making it the nation's fourth largest and giving a powerful voice to the Long Island labor movement. Their membership is comprised of a wide variety of workers: from teachers to technicians, public employees to painters, bus drivers to bricklayers, retail, auto, janitorial, utility, health care and construction workers. Thirty-two different unions each have a seat on the Executive Board including the local Building & Construction Trades Council of Nassau-Suffolk Counties.

Despite tough times for some members in certain sectors such as retail workers and bus drivers, the federation has continued to grow over the last several years. His workforce is now more diversified as more workers begin to recognize the safety and salary benefits of joining a union. And, while most unions across the country shrink, Durso credits the team around him for their increasing membership. He singles out the leadership and day-to-day efforts of Executive Director Roger Clayman, whom he calls "one of the finest human beings he knows" and speaks of the executive board's "strength in brotherhood" claiming there is "no ego" in the room... no small task when you have a room full of labor leaders.

However, for those times when personal interests or professional viewpoints do inevitably conflict, Durso again looks to Clayman because of his incessant desire to "do what's right," dubbing him "the voice of reason in a room full of chaos."

LESSONS LEARNED

Chaos is certainly a term that would describe the effects that COVID-19 has had on our psyche and our economy. This pandemic has exposed weaknesses in every facet of business, labor and government, and John knows we must learn important lessons from this experience to be better prepared for the future.

While unions and employers did many things right during this tumultuous time, Durso sees more they can do: strengthen employer health funds, draft new wording that better protects workers in case of another similar crisis, improve emergency contingency plans and establish better coordination between labor and the state, to name a few.

As a country, we have even greater challenges. In the short term, Durso believes that public cooperation is key. We must continue taking precautions to reduce the spread of the disease until a reliable vaccine is readily available. Our elected leaders need to have a unified voice in this matter and they must continue to educate the public accordingly based on science, not politics.

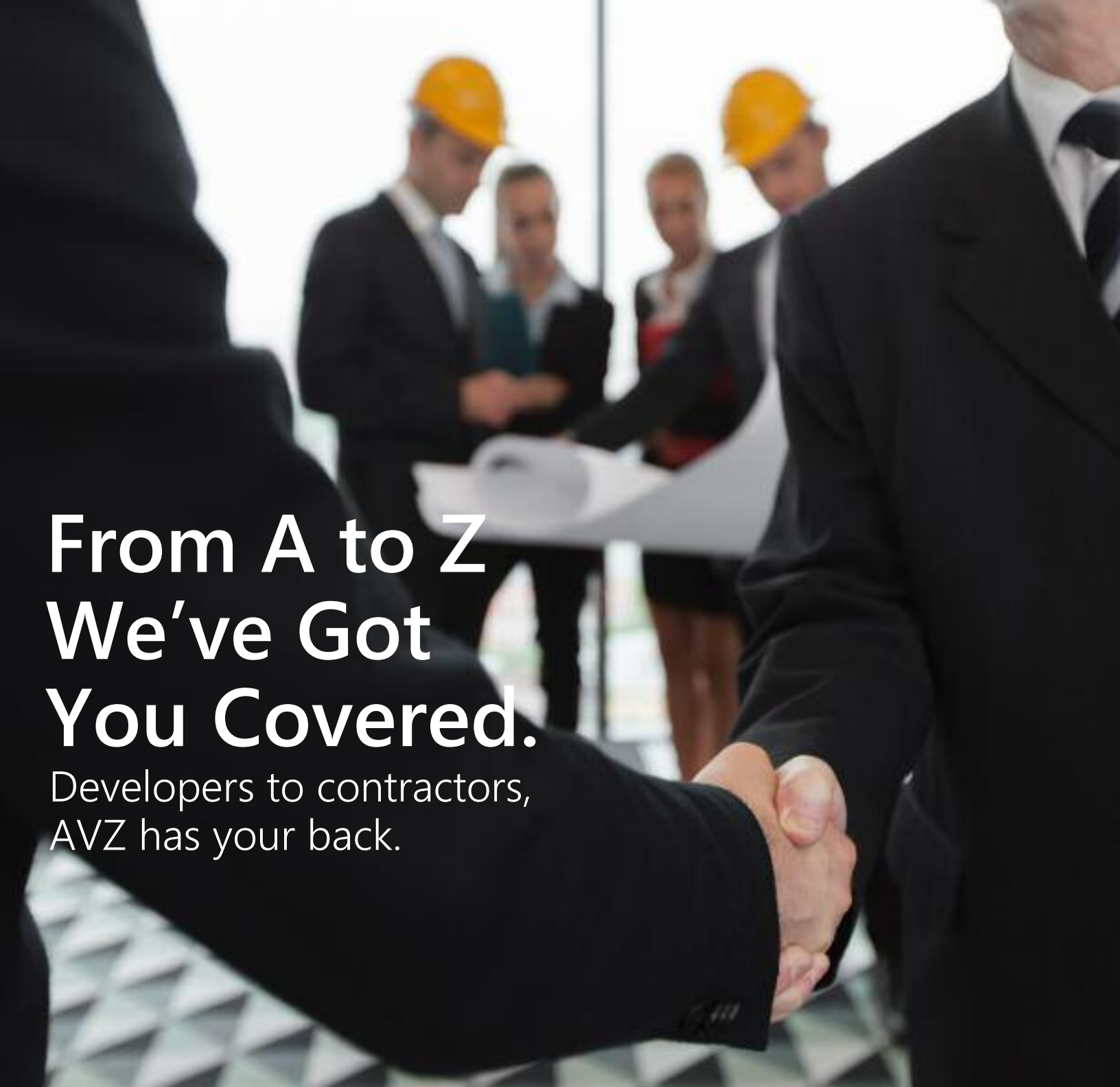
Larger societal issues, such as why communities of color were more deeply affected by this crisis than others, must also be addressed. Issues such as childcare, which John stresses has been a concern long before the pandemic hit, must be tackled. The lack of affordable childcare is a major obstacle for working families, threatening their ability to earn a living while properly and affordably caring for their children. It is a growing problem that urgently demands our lawmakers attention.

Economically speaking, when it comes to the question of how best to kick-start the post-covid economic engine, John is quick to answer saying, "Infrastructure, without question, is the driver of the economy." Whether it's major projects such as Belmont Park, the Ronkonkoma Hub or other similar projects, John recognizes the enormous economic opportunity that infrastructure investments provide and the high-quality jobs they create. Infrastructure will be a key ingredient for a successful economic recovery, both regionally and nationally. We couldn't agree more.

Infrastructure, without question, is the driver of the economy.

A MAN WITH A MORAL COMPASS

Despite the many positions he holds and the many thousands he speaks for, John Durso needs no mask to hide behind. He has walked in the shoes of those he represents and his moral compass remains clearly pointed where it always has been—toward the goal of making a better world where everyone has a voice and the ability to improve their lives through work as productive members of society. Perhaps this pandemic will serve as an unexpected opportunity for others to also emerge, UNMASKED, yet more caring, compassionate, and committed to a brighter future for all.



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Banter Behind the Mask with John Durso

Q&A

Q. As the leader of many essential workers, you've been working full-time from your office (or in the field) during the pandemic, have you been tested for COVID-19?

A. Yes, I was tested once with my members who were essential employees and being tested regularly. My results were negative.

Q. What's been your favorite form of communication during the pandemic: phone, email, or video conferencing?

A. Zoom video conferencing for sure. It's great to be able to see people's faces while you're speaking with them!

Q. Working outside the house, you must be going through lots of facemasks. Do you have a preference on the type of mask?

A. My wife Peggy actually made some for me, so those are definitely my favorites!

Q. What's the most unusual or unique mask you've seen?

A. I'm not sure its really appropriate to say, but one woman who was in a pinch actually used a sanitary napkin as a mask!

Q. Since dining out was limited, what meal have you been eating the most at home?

A. Chicken. Partly due to a diet, as much as the pandemic. I'm pretty sick of chicken right now (but I am down 40 lbs!).

Q. What favorite restaurant meal do you miss the most?

A. Definitely Fettucini Alfredo from Piccolo's in Bellmore, a family favorite.

Q. With limited outdoor activity options, what TV/cable shows have you been watching?

A. Sneaky Pete, Ozark and Bosch.

Q. What's the best series you've seen?

A. The History Channel had a great miniseries about Ulysses Grant.

Q. Best movie?

A. The Highwaymen on Netflix with Woody Harrelson.

Q. On a more serious note, if you could say one thing to every Long Islander right now, what would it be?

A. Wear a mask. Help us get out of this situation without further harm.

Q. Many of your union members are essential workers such as grocery clerks, food service and pharmacists, who have now been acknowledged for their contributions, but are there members of other sectors who have yet to be recognized?

A. The people working in group homes and daycare should be receiving a ton of credit for the difficult jobs they do. Court officers too are another group who are often overlooked.

Q. If you could say one thing to your members, what would it be?

A. Simply that "I am SO proud and honored to represent them."



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DESIGN-BUILD: A New & Greater Presence in New York

by Erik Ortmann, Partner, Vice-Chair Construction at Kaufman Dolowich Voluck

One important public contracting issue, perhaps receiving less attention amidst the COVID-19 crisis, is the emergence of design-build as an authorized project delivery system expected to see significant use in New York State and City capital programs and projects.

Past Challenges To Design-Build

Widespread use of design-build on public projects in New York was generally prevented by two primary impediments. First, the Wicks Law which requires the public owner to enter into separate prime contracts with plumbing, mechanical and electrical trades on most contracts. Second, an interpretation among many public owners that the NYS Education Law required construction design services to be offered only by licensed design professionals. Thus, the idea of a single bidding entity providing design-build services never gained significant traction in the State, until now.

Stage Is Set For Rise In Design-Build Procurements

The New York City Public Works Investment Act signed into law by Governor Cuomo on December 31, 2019, is a primary driver of the change. The Act authorizes most major New York City Agencies including, among others, NYC DOT, DDC, DEP, and SCA to bid design-build contracts for projects at/over \$10 Million, and at/over \$1.2 Million for certain NYCHA and NYC Parks projects. To address Wicks Law and Education Law/Design issues, the Act requires a Project Labor Agreement and that all design professional services be performed, stamped, and sealed by a licensed professional as required by Education Law.

New York City actively sought design-build authority and states it has already identified 49 projects that could benefit from the design-build procurement and delivery system. The City claims the design-build process will fast track projects, “cut through red tape”, and already deliver cost savings of approximately \$300 Million.

Similarly, pursuant to State authorizing law, the MTA under its \$51.5 Billion 2020-2024 Capital Program, will require that all projects over \$25 Million to be design-build. The MTA claims that design-build will “rebalance the risk equation between the MTA and its contractors,” shorten project schedules and “increase accountability.”

The Laws are already in effect and public agencies are actively proceeding to bid design-build projects. Considering the risk shifting and claimed time and cost savings aspects, public Owners may focus even more on design-build moving forward to address COVID-19 caused financial and shut-down impacts.

Bidding Process

Generally, the bidding on design-build projects include two steps. First, the public Owner will make a request for qualifications to develop a list of qualified design-build teams who can submit proposals. Second, a request for proposals will be made to the qualified teams. The proposal providing the “best value” to the MTA or NYC Agency making the procurement will then be selected. Thus, projects will not necessarily be awarded to the lowest bidder. Negotiation may be permitted thereafter on certain aspects of the contract, including the cost.

Key Issues & Considerations

Public works contractors being thrust into a somewhat new world of design-build procurements and project delivery will have some important issues to consider regarding preparations to bid, the nature of the contracts, and the administration of projects. While not all issues and variables can be accounted for or listed in this brief article, please note the following:

Continued on next page



A. Pre-bid & Bid

Contractors will first need to evaluate qualification criteria, consider the qualifications of possible designers/engineers and the “best fit” for a project. Once a team is identified, the roles, responsibilities, risks, trade secret protection/confidentiality and financial contributions between the team members will need to be agreed to. The specific type of agreement and structure of the bidding team must also be decided on and a formal agreement covering the terms of parties’ relationship should be completed.

A bidding team moving toward proposal will have much to consider, such as whether an allowance for proposals is provided by the Owner and the size and scope of any such allowance. The bidding team may also be faced with different and additional costs, such as insurance/bond coverage changes and costs considering that both design and build services are now being provided. The bidding team may find itself negotiating costs and schedule and effectively competing with other proposals as part of an Owner’s best value analysis. Overall, the team will likely be working more closely with the Owner in the bid process, raising issues of trade secret protection/confidentiality between the team and Owner.

B. Contract Work/Administration

As noted in the MTA statement above, certain risks will shift when an awarded bidder provides both design and build services to meet an Owner’s general bid criteria. Expect the Owner to contend that the design-build team “owns” the design, schedule and possibly even scope changes. Thus, the awarded team has more control but also more risk on a project. It is already becoming clear that the basis for claims and claims procedures will be different than those encountered in traditional design-bid-build public contracts.

Concluding Thoughts

Considering the cost, effort and risk to bid and perform a design-build contract, we have found it important to plan and organize the process for the selection and legal formation of a design-build team. The team must understand guidelines/criteria for bid qualification, best value selection and contract provisions that differ from the “traditional”. This often requires estimating/project team training and working closely with accountants, insurance professionals and legal counsel.



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Re-opening & the Road to Recovery

by Nassau County Executive Laura Curran

Thanks to everyone doing their part and staying home, we have successfully controlled the spread of the coronavirus and Long Island's phased reopening, along with our economic revival, is underway. This wasn't easy, and it's come at a high cost. The hardship from our weeks of quarantine with COVID-19 impacts wreaked havoc on our local economy. We are experiencing unemployment at levels last seen only during the Great Depression along with sales tax revenues plummeting 30%.

Early on, we recognized the incoming economic calamity — and acted. Among many other financial relief efforts, I indefinitely extended the expiration dates for County licenses and registrations to provide breathing room for Nassau's 10,000 home improvement contractors who shouldn't have to pay for a license they can't use. I also asked the Governor to delay the deadline for second-half school district taxes for residential and commercial property owners.

Immediately following our COVID-19 frontline response efforts, my priority focused on understanding the economic impacts of this crisis. I convened the Economic Advisory Council including some of Long Island's top business and non-profit leaders — to help track and assess the business impacts, inform our recovery strategies and help my push for state and federal support.

The Council's input, along with feedback from my ongoing discussions with construction leaders, helped my fierce advocacy to the state to deem residential construction essential during the shutdown. The construction industry is a driving force of Long Island's economy. Not only is the industry an anchor for our workforce but it's crucial to addressing another issue that has plagued Nassau before COVID-19 — the shortage in housing stock, especially rental housing. There was no reason the protocols in use for projects deemed essential couldn't be extended to all construction projects. There is also no reason that malls cannot reopen as other indoor retail has and I will continue to make this case to the state.

With the reopening underway, I am prioritizing the County's infrastructure and capital projects, like our Police Academy, to serve as an economic stimulus and offer much needed jobs. With a devastating decline in sales tax revenue, and an estimated County budget deficit of at least \$384 million, we will need federal infrastructure assistance to get shovels in the ground and get people to work. Critical projects such as the phase two construction of the Family Matrimonial Court, rehabilitation of the Bayville Bridge, revitalization of Museum Row and an unprecedented \$70 million investment in the County's road resurfacing program must stay on track.

I am pleased to see crews hard at work to construct the new Belmont Arena — a project that will not only bring our NY Islanders home for good but create thousands of permanent jobs. We are working collaboratively with labor, developers and municipal leaders to get key initiatives and economic drivers moving, including cornerstones of my administration like the Hub, transit-oriented development and the creation of affordable housing.



We will continue to cut the red tape that has strangled development in this County for decades, such as the infamous "239(f)" approval process. Approvals progressed with staff working remotely during the shutdown and technology improvements and greater coordination with our towns is underway.

I will continue to do everything I can to help businesses large and small reopen and recover strong through each phase of the reopening and beyond — especially those in our once vibrant downtown communities. The success of our small businesses depends on employees feeling safe to return to work, and customers feeling confident to once again shop and dine in our malls and on our Main Streets. Consumer confidence is the number one concern of 40% of the businesses we surveyed across Long Island and Personal Protective Equipment (PPE) is crucial to building back that confidence.

That's why Nassau County in partnership with our Industrial Development Agency (IDA) and an investment from the Town of Hempstead is providing 5,000 small businesses and nonprofits with free PPE kits. The County's "Boost Nassau" initiative also includes a \$10 million loan program for Nassau's small businesses that missed out on receiving other aid like the Paycheck Protection Program.

While Nassau County is progressing through the various stages of re-opening—we need to be smart and remain diligent about following health and safety guidelines. These are uncertain times but one thing I am certain of is that our industry leaders and business owners are innovative, and they are resilient. We will recalibrate and rebuild smarter and stronger than ever.





COVID-19 ECONOMIC RECOVERY

INFRASTRUCTURE PROJECT RECOMMENDATIONS

SITUATION ANALYSIS:

Due to the unprecedented crisis that COVID-19 has unleashed around the globe and in New York state, New York will be facing an economic hardship for the indefinite future. With unemployment rising, local businesses closed, and social distancing practices in place, many aspects of the New York economy will struggle to get up and running. However, we have put together recommendations for projects around Long Island that will not only boost jobs and put people to work to get the economy up and running—but these recommendations also benefit the public good. Here are our 2020 recommended priority projects to help aid in the economic recovery:

LICA 2020 RECOMMENDED PRIORITY PROJECTS:

LICA continues to advocate for the below projects that were presented during the 2020-21 state budget deliberations:

- 1 **ROUTE 347**
- 2 **OAKDALE MERGE**
- 3 **LOOP PARKWAY DRAW BRIDGE**
- 4 **HOSPITAL ROAD BRIDGE AND SMITH POINT BRIDGE**
- 5 **SAGTIKOS/SUNKEN MEADOW PARKWAY**
- 6 **MEADOWBROOK PARKWAY INTERCHANGE**
- 7 **SUFFOLK COUNTY SEWER PROGRAMS**
- 8 **DEC/NASSAU COUNTY BAY PARK**
- 9 **WILLIAMS NATURAL GAS PIPELINE PROJECT**
- 10 **EAST/SOUTHBOUND LANE ON WANTAGH PARKWAY**
- 11 **LI EXPRESSWAY I-495**
- 12 **LIRR PORT JEFFERSON**
- 13 **OFFSHORE WIND TERMINALS**

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¹ FEDERAL HIGHWAY ADMINISTRATION, 2009.

POTENTIAL HIGHWAY PAVING PROJECTS:

The following roadways were rated in the poorest condition on Long Island. We understand DOT plans to include projects to address these issues in the current fiscal cycle:



MEADOWBROOK PKWY
 • LOOP PKWY TO HEMPSTEAD TPKE
 • 8 MILES



NEW YORK STATE ROUTE 109
 • ENTIRETY
 • 7 MILES



NORTHERN PARKWAY
 • NYC LINE TO MEADOWBROOK PKWY
 • 7 MILES



SOUTHERN PKWY
 • NYC LINE TO MEADOWBROOK PKWY
 • 8.5 MILES

LICA suggests stimulus projects include pavement conditions rated in rough condition for ride quality (roadway smoothness). These highways received an International Roughness Index (IRI) rating between 171-222 (rough):



BAY PARKWAY (JONES BEACH)
 • ENTIRETY
 • 7 MILES



BETHPAGE PKWY
 • ENTIRETY
 • 2.5 MILES



HECKSCHER PKWY
 • RT 27 TO TIMBER POINT RD
 • 7 MILES



HICKSVILLE RD (RT 107)
 • MERRICK RD TO RT 106
 • 8 MILES



ROBERT MOSES CSWY
 • OCEAN PKWY TO SOUTHERN PKWY (LESS GREAT SOUTH BAY BRIDGE)
 • 6.5 MILES



JERICO-OYSTER BAY RD (RT 106)
 • RT 106/107 TO N. HEMPSTEAD TPKE
 • 5 MILES



LOOP PKWY
 • ENTIRETY
 • 2.5 MILES



NEW YORK STATE ROUTE 25A
 • RT 25/RT 112 TO NICOLLS RD
 • 6.5 MILES



OCEAN PKWY
 • WEST END GILGO ST PARK TO RM CAUSEWAY
 • 8 MILES



SAGTIKOS/SUNKEN MEADOW PKWY
 • WEST END GILGO ST PARK TO RM CAUSEWAY
 • 8 MILES

POTENTIAL HIGHWAY DRAINAGE PROJECTS:

LICA suggests stimulus projects include those which will address safety issues pertaining to persistent highway flooding issues. These problem areas have been identified as priorities for the Long Island region:



NEW YORK ROUTE 25
 • WEST OF RT 110 ON NORTH SIDE, SOUTH HUNTINGTON



NEW YORK ROUTE 27
 • BELOW LONG ISLAND RAIL ROAD TRESTLE, MASSAPEQUA



NEW YORK ROUTE 27
 • WEST OF CARLETON AVENUE OVERPASS, EAST ISLIP



NEW YORK ROUTE 27A
 • INTERSECTION OF COOPER ST/WILLOW ST, BABYLON



NEW YORK ROUTE 231
 • NORTH OF JOHN ST/ LIRR ON EAST SIDE, WEST ISLIP



NORTHERN PKWY
 • AT CARMAN RD (WOLF HILL RD EXIT 4) ON SOUTH SIDE, DIX HILLS



ROBERT MOSES CSWY
 • NORTHBOUND EXIT AT SOUTHERN PKWY



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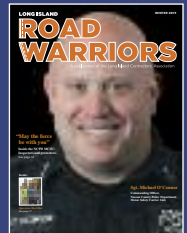
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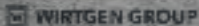
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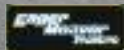
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