

# CONSTRUCTION CONTRACTOR

SYRACUSE BUILDERS EXCHANGE - SINCE 1872

WINTER 2023



## ENFOQUÉ IMAGES: THE SKY'S THE LIMIT

### ON THE INSIDE

R & D CREDITS WITHIN  
THE CONSTRUCTION INDUSTRY

BUILDING AN EFFECTIVE  
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# CONSTRUCTION CONTRACTOR

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ENFOQUÉ IMAGES



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# WINTER 2023 EXECUTIVE DIRECTOR'S MESSAGE

Each year the Syracuse Builders Exchange (“SBE”) Construction Contractor magazine dedicates one issue to Minority, Women, Disadvantaged Businesses and Service-Disabled Veteran Owned Enterprises (MWBE/DBE/SDVO) in the regional construction industry. The success of these businesses remains critical to the overall health and well-being of the construction industry in general.



As upstate New York’s largest construction industry Association, SBE’s membership includes MWBE/DBE/SDVO businesses. With approximately 100 companies which have the MWBE/DBE/SDVO certification, SBE’s directory of construction related MWBE/DBE/SDVO businesses is unmatched and remains a valuable resource for project owners, construction managers and general contractors.

Building capacity in the MWBE/DBE/SDVO space remains a priority for SBE, evident by the commitment to our Construction Company Growth Accelerator course. This 3-4-week program focuses on essential subject matters to educate small business owners on how to enhance their knowledge and provide them with the resources necessary to grow their small business into a business with the capacity to bid on large-scale construction projects.

The program will begin in February 2023 and all small businesses, including MWBE/DBE/SDVO employers, are invited to participate. SBE will continue to partner with the Upstate Minority Economic Alliance and the WISE Women’s Business Center to maximize attendance and participation. The 3-4-week class will be held in person in SBE’s classroom and streamed live to those who prefer to participate remotely. To learn more about this program, please contact Dimi Wingate at [dwingate@syrabex.com](mailto:dwingate@syrabex.com).

This edition of Construction Contractor features Enfoque’ Images. Enfoqué Images is a full-service photography and videography studio serving the construction industry. They provide seamless service on location as a supporting function to Quality Management throughout the contract period. Their team offers premium photographic documentation of existing conditions, mobilization, safety setup, material storage, demolition, construction progress, inspection punch list items and final close-out. Project & Safety Managers also utilize their cinematic visualization for ongoing internal crew training. Enfoque’ Images is a proud member of the Syracuse Builders Exchange and a MWBE/DBE business.

I hope you enjoy this special edition of Construction Contractor. It is a privilege to promote and recognize the work of not only the companies illustrated in this edition, but those MWBE/DBE/SDVO companies in the construction industry throughout central and upstate New York.

To search for MWBE/DBE/SDVO construction industry related companies, visit [www.syrabex.com](http://www.syrabex.com), click on Buyers Guide, then MBE/WBE members. There you can search for any company by name or specialty trade.

As the construction industry closes out another year, and begins 2023, I would like to extend best wishes and good health to our readers, our member employers, their employees and family members. May 2023 bring good health, happiness, an abundance of work and prosperity to all.

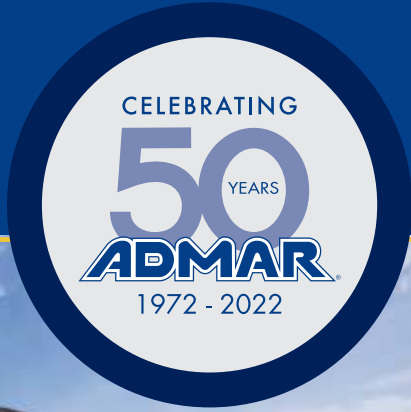
Yours truly,

A handwritten signature in black ink, appearing to read "Earl R. Hall". The signature is fluid and cursive, written over a light blue horizontal line.

**Earl R. Hall**  
Executive Director



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# ENFOQUÉ IMAGES: THE SKY'S THE LIMIT

ELIZABETH LANDRY



Montrose, NY VA Hospital Preconstruction Documentation

Jackie Vidler's mother always knew her daughter was an interesting, eclectic, and creative person who did things just a little bit differently. Those characteristics reveal why Vidler has always had an interest in art, specifically photography. However, like many people who have an artistic bent, she never dreamed she would be able to make photography her career.

When Vidler had her own daughter 14 years ago, her passion for photography really took off. She found herself wanting to capture all the special moments as her daughter grew, and photography helped her achieve that goal.

"I was taken aback at how fast time flew by and how quickly one milestone was replaced by the next," Vidler said.

Shortly thereafter, she accepted a job offer to assist a local photographer, and she eventually became an artistic director. Vidler quickly realized how fulfilling it was to be able to document important moments and memories for others: she photographed weddings, families, pets, and any subjects that came her way.

Never being one to stay complacent with her current situation, though, Vidler knew she needed to branch out on her own. Around 2010, she created Enfoqué Images and became a small business owner herself. She

named her business “Enfoqué,” which means “in focus” in Spanish, as a way to pay homage to her Puerto Rican heritage.

For Vidler, her passion for photography stems from her desire to help others and to capture the progression inherent in life.

“It’s easy to recall the before and the after. But there’s so much more to life than just the beginning and the end. The true beauty of any story lies in the middle,” Vidler explained.

## A New Client: The Construction Industry

After several years of operating Enfoqué Images, Vidler found herself wanting to expand the business even further. She began to explore how her business could offer photography services to other local businesses, since she has always had a desire to help others and give back to the community.

“Businesses are ideal clients for me because every great business has a commitment to continuous improvement, leaving so much progress to capture. Documenting a brand’s product or service helps to establish visual representation for that business. It’s my own professional spin on showing a business that we ‘see’ them,” she said.

After completing an extensive application process, Enfoqué Images became a Minority and Women Business Enterprise (MWBE) in 2019. The MWBE certification helped expand the reach of Enfoqué Images, opening up new opportunities in the construction industry, specifically. Although Enfoqué Images had been providing photography services to other local industries in the Syracuse area, Vidler found that construction businesses were the most natural clients because progression is so central to every construction project.

As a full-service photography and videography studio serving the construction industry in central New York, Enfoqué Images assists quality management through outstanding photographic documentation during the entire



Montrose, NY VA Parking Lot expansion Final Documentation

contract period. Services include photography of existing conditions, mobilization, safety setup, material storage, demolition, construction progress, inspection punch list items and final close-out. Enfoqué Images is certified for government contracting through the City of Syracuse, both federally and statewide. The business is certified with industry codes NAICS, 541922 in commercial photography, NAICS, 512120 in motion picture and video and NIGS, 91572 in photography services.

For Vidler, photographing for construction contracts is especially enjoyable because it allows her to truly focus on the process happening in real-time, and because of its fast-paced nature.

“It’s really cool to see a project come together. We did progression documentation for Industry Standard USA at the Syracuse VA hospital when they were putting in new sidewalks. It was cool to go up weekly and to see the progression over the weeks. And of course, you never know what you’re going to get. I might get a call saying, ‘the pourers are going to be here tomorrow, so we need you here tomorrow’ and we’re ready to go. It’s really exciting. It’s great to see a plan come together and to watch it grow,” she described.

## Expanding Horizons with Drone Photography and Videography

In order to further progress and evolve as a business, Vidler became interested in utilizing drone technology to add aerial photography and videography services to Enfoqué Images’ repertoire. She knew that utilizing



### Syracuse, NY VA Hospital Sidewalk Pre Concrete Pour Documentation

aerial technology would expand her business' opportunities even further, but by no means was obtaining the needed certification simple or easy.

"I made the investment in purchasing drone equipment. I researched and studied the ins and outs of aerial documentation. After almost a year of extensive and intensive studying, I made it happen, passing my drone pilot license testing and obtaining my Part 107 UAS Remote Pilot Certification in 2019," Vidler stated.

While flying a drone may seem intuitive to some, Vidler described how the knowledge she gained during her certification process is complex and covers many topics.

"The drone license test is very interesting. It's certainly not simple for the everyday person to understand," she said. "I had to learn about the different types of clouds, learn how to read different types of maps, know about the different air spaces and remember not to fly the drone above 400 feet, for example. It's pretty intense."

Although obtaining her drone photography certification was strenuous, Vidler knew it would be essential in order for Enfoqué Images to flourish in the company's work with construction contracts. The construction industry had already experienced tremendous benefits from utilizing drone technology, and she wanted to be able to help local construction efforts by offering aerial photography and videography services herself. Drones provide a new vantage point in the sky that improves the visual documentation of any construction project. Aerial documentation benefits many aspects of

construction, including the mapping, planning, surveying, safety, inspecting and service needs that are integral to project success.

The safety benefits of drone technology have been a major draw for Enfoque Images' construction clients. "I was talking to a potential client recently and I mentioned that I do drone photography and videography. He said, 'Wow, that's really great – so, my guys wouldn't have to get up on the scaffolding and scale the side of the building to check out some corrosion, it would just be sending up a camera?' It helps save the companies manpower and can even help avoid injuries, which is great," Vidler explained.

In her research into drone photography and videography, she also found reports that showed construction companies that utilize drones have experienced significant improvement in their operational efficiency and reduced overall costs. Drone technology allows photographers to capture aerial data easier and faster, and allows for improved decision-making, more thorough identification of worksite issues and greater predictability for project schedules.

Vidler explained how she takes great pride in offering these state-of-the-art services to her construction clients. "As a drone photographer, I can offer contractors the best images available to help attain their goals. They'll be able to use their photos to show the various angles of the project and to demonstrate their abilities to meet the requirements of the hiring agency," she said.



Construction Working Photos





Construction Working Photos

## Onward and Upward

From its humble beginnings over 10 years ago, Enfoqué Images has grown leaps and bounds into the small business it is today. Although the business's capabilities and services have expanded and evolved in many ways, the core passion behind Vidler's work has remained the same: to help others through photography and to support the local business community.

Over the next several years, Enfoqué Images will continue to grow and help highlight the progress demonstrated by local industries. For the construction industry specifically, Vidler emphasized that progress should be documented both on and off the jobsite. "With construction, obviously documentation of the actual physical project is a huge part of it, but it's important to note we also offer headshots and social media content, for example. Those services may not be directly related to the jobsite but there's always a way I could help the businesses and support them through photography and videography," she said.

As the business offerings expand, Vidler is also looking forward to growing the Enfoqué Images team. "I will be

extending the Enfoqué Images brand as an umbrella to cover all aspects of photography. I want to onboard other photographers and provide a space for each of them to take the lead in the industry areas they have a passion for," she stated.

When asked about the overall reach of the business in the future, Vidler expressed her excitement about the possibilities, but emphasized that Enfoqué Images will always be ingrained in the central New York business community. "Enfoqué Images, at its core, will always stay a local business. I will always be connected and giving back within the community that's home to me. But for the future reach of Enfoqué, I feel it is limitless. I take pictures in the sky now, so I can confidently say 'the sky's the limit'."

For more information, visit [www.enfoqueimages.com](http://www.enfoqueimages.com)



# RESEARCH AND DEVELOPMENT CREDITS WITHIN THE CONSTRUCTION INDUSTRY

NICHOLAS L. SHIRES, CPA, ABBY K. SWEERS, CPA, DANNIBLE & MCKEE, LLP

**W**hen taxpayers think of research and development (or R&D), most picture scientists in long white coats mixing liquids in a laboratory. However, the meaning of research and development in the tax world goes far beyond that. While the construction industry may not be the first that comes to mind when thinking about R&D, it certainly contains its fair share of qualified projects. For construction companies that take advantage of these R&D projects, changes are on the way.

Originally introduced as a temporary credit in the Economic Recovery Tax Act of 1981 (ERTA), the R&D credit was made permanent in 2015 with the passing of the Protecting Americans from Tax Hikes (PATH) Act. For construction companies that qualify for the R&D credit, thousands of dollars in credits can be claimed on the associated income tax returns, depending on the level of qualified expenses. While the R&D credit has been around for several years, effective for tax years beginning after December 31, 2021, as part of the Tax Cuts and Jobs Act (TCJA) of 2017, the treatment of qualifying research expenses used in the credit are undergoing a major change.

Generally, for projects to qualify for the R&D credit, they must be technological in nature, and their application must be intended for use in developing a new or improved business component or process for the taxpayer. In addition, substantially all the activities of the research must be elements of a process of experimentation relating to a new or improved function, performance, reliability or quality. Within the construction industry, these research projects could include developing new processes that would reduce the time spent on site, creating new materials for use in projects with unique conditions, designing or improving tools and equipment that would lead to improved job efficiency and many more. For example, say a contractor is working on a road in an area that endures heavy snowfall. If they were to develop a new mix of materials (asphalt, concretes, etc.) that would experience less wear and tear from the snow, that would be considered R&D.

The qualifying research expenses can be broken down into two categories: (1) in-house research expenses and (2) contract research expenses. The in-house research expenses include wages paid to an

employee for engaging in qualified research, amounts paid for materials and supplies used in the conduct of qualified research and any amounts paid to another person for the right to use a computer in the conduct of qualified research. Contract research expenses include 65 percent of any amount paid to another person, other than an employee, for qualified research.

As previously mentioned, the way that these R&D expenses are to be treated by the taxpayer is altered for tax years beginning after December 31, 2021. The TCJA amended Internal Revenue Code (IRC) § 174, which outlines the treatment of research and experimental expenditures. Previously, taxpayers were allowed to immediately deduct their qualifying research expenses in the year they were paid or incurred. Based on the amendments to IRC § 174 included in the TCJA, taxpayers must now capitalize these expenses and amortize them over five years.

For example, assume a taxpayer has \$200,000 of qualified research expenses for the 2022 tax year. Prior to the TCJA amendments, the taxpayer could expense all \$200,000 of these expenses in the year they were incurred. Under the new rules, the taxpayer must capitalize these expenses and would be entitled to an amortization expense of \$20,000; \$200,000 divided by 5 years and applying a midpoint to amortization to cut the first full year expense in half, as specifically stated in the code section.

Although these changes may appear to make the credit less lucrative, this should not deter taxpayers from pursuing the credit as it's still very beneficial to those that qualify. The Internal Revenue Service has been known to look further into these credits when claimed by taxpayers, so it is important to contact your tax professional early to ensure that proper substantiation is being maintained throughout the process of each qualifying project.

Nicholas L. Shires, CPA, is the partner-in-charge of tax services and Abby K. Sweers, CPA, is a tax manager with Dannible & McKee, LLP, a public accounting firm with offices in Syracuse, Auburn, Binghamton and Schenectady, New York. The firm has specialized in providing tax, audit, accounting and advisory services since its inception in 1978. For more information on this topic, you may contact them at (315) 472-9127 or visit online at [www.dmcpcas.com](http://www.dmcpcas.com).



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# SBE – MWBE/DBE/SDVO EVENT – TESTIMONIAL QUOTES

## INAUGURAL MWBE/DBE/SDVO SHOWCASE A SUCCESS!

The Syracuse Builders Exchange hosted the construction industry's first ever MWBE/DBE/SDVO showcase on November 17, 2022, promoting 25 of the region's construction industry employers who have at least one certification. The MWBE/DBE/SDVO vendors networked with 255 registered guests, which included project owners, general contractors, construction managers and other members of the Builders Exchange.

SBE staff is already planning to enhance this networking event again in November 2023.



“We had the opportunity to speak face to face with the major contractors in the area, something that doesn't happen often in this world of emails, texts, and phone calls. It was refreshing and fun, and it serves to strengthen the relationship between our companies.”

**Mike Mattessich**  
President  
Mattessich Iron, LLC

“SBE and their staff did a wonderful job (again) for the community. The WMBE Showcase was put together in anticipation of helping companies large and small meet with diverse companies. The turnout was huge. New relationships were formed, and experiences were shared to help each company in 2023. Thank you, Earl and staff, again for everything you do. Looking forward to a great 2023.”

**Eli M. Smith**  
CEO  
E. Smith Contractors, LLC

“As an attendee, I found this event highlighted the specific business segment very well. Multiple businesses were represented, and the overall size and scope was just right. It seemed like all exhibitors were busy interacting with multiple attendees. I truly appreciate the Syracuse Builders Exchange for providing the opportunity to meet and partner with these amazing businesses.”

**Jason Poole, Resource Developer**  
Merit Apprenticeship Alliance  
Merit Alliance Construction Training Institute (MACTI)

“The Syracuse Builders Exchange MWBE showcase was a great opportunity to network and meet hardworking business owners who have overcome numerous obstacles on their pathways to success. Their resilience and commitment to excellence in today's complex and challenging business environment is truly inspiring. Burke Group was thrilled to be a part of the event and we look forward to attending again next year.”

**Brian J. Schiedel, QKA**  
Burke Group

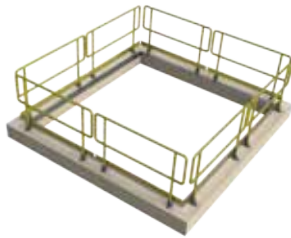
“The Syracuse Builders Exchange is invaluable in fostering relationships amongst the building community. The recent event showcasing MWBE companies was not only done first class, as usual, but continued the long-standing tradition of supporting the local building community. The event was filled with MWBE companies showcasing their capabilities. Just as importantly, it was well attended by local large and medium size general contractors who can utilize the services of MWBE contractors. Only the Syracuse Builders Exchange can facilitate such a great event.”

**Craig Zinserling**  
President  
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# A-FRAME LADDERS VS PLATFORM LADDERS

Wael Khalil, CSP, Safety Representative  
LOVELL SAFETY MANAGEMENT CO., LLC



**H**ave you noticed in recent years that more general contractors are requiring platform ladders instead of standard A-frame ladders? As a matter of fact, some general contractors (GCs) will not allow ladder usage on their jobsite, period. On some construction sites, A-frame ladders have become a tool of last resort when performing work at an elevation. Most GCs would prefer that employees use manlifts, scissor lifts, boom lifts or other elevated work platforms rather than ladders. The main reasoning behind this philosophy is to eliminate a primary source of costly fall injuries.

**FALLS CONTINUE TO BE THE LEADING CAUSE OF DEATH AND SEVERE INJURY IN CONSTRUCTION.** In 2020, there were 351 fatal falls to a lower level out of 1,008 construction fatalities (BLS data). A 2014 study published by the Centers for Disease Control and Prevention (CDC) cited ladders as being a leading cause of workplace injuries. According to the study, an estimated 81% of construction-related falls treated in U.S. emergency rooms involved a ladder. The most common ladders used on construction sites to perform work are A-frame ladders. When these ladders are used in accordance with required safety work practices dictated by manufacturers and regulating bodies, they can be a very useful and safe piece of equipment. Unfortunately, A-frame ladders are misused more often than we would like to admit.

Most injuries associated with A-frame ladders occur when employees climb higher than the 3rd step from the top, when overreaching to the side of the ladder, missing or slipping off the bottom step/rung, and using a worn or damaged ladder. Many of these hazards can be significantly minimized by using platform ladders instead of standard A-frame ladders.

On a platform ladder, you are typically standing on a 1'x1.5' (or larger) platform, not a 3" ladder rung. This provides the use of a firmer and more stable surface to stand on, which

minimizes fatigue and subsequently slipping off ladder rungs. The elimination of the ladder cap and second rung eliminates the potential hazard of climbing too high on the ladder. In addition, the fact that the user is standing firmly in the center within the framing of the ladder, the potential of falls due to reaching to the sides of the ladder is minimized.

While platform ladders will not eliminate all ladder fall hazards, they can be another tool that can significantly help minimize the potential for fall-related injuries when used properly. As employers, we still need to practice the fundamentals of hazard prevention through steps outlined in the same 2014 CDC Article:

- 1) plan the work to reduce or eliminate the need for using ladders by applying safety-in-design and constructability principles to finish as much of the work as possible on the ground;
- 2) provide alternative, safer equipment for extended work at elevation, such as aerial lifts, supported scaffolds, or mast climbing work platforms;
- 3) provide properly selected and thoroughly inspected ladders, that are well-matched to employee weight, task, and location;
- 4) when applicable, provide proper accessories to supplement safe ladder use; and
- 5) provide adequate ladder safety information and training for employees.

Familiarity and compliance with the provisions of safety regulations, such as recognizing ladder types and conditions, and using ladder positioning and other safe ladder practices, are crucial to reducing injuries from ladder falls.

LSM Group Members Can Contact Their Local LSM Safety Representative for Further Assistance Regarding Proper Ladder Selection or Ladder Alternatives.



# BUILDING AN EFFECTIVE JOB SITE SAFETY PROGRAM

PAUL CODERRE, VICE PRESIDENT OF RISK MANAGEMENT SERVICES, ONEGROUP

If you're a contractor, your job sites present the most consistent and, in most cases, the greatest potential for employee, subcontractor and visitor injuries. While your shop, yard and office can generate occasional accidents, most injuries occur on the job site. The reason isn't mysterious - your job sites carry the greatest risks and hazards. For the most part, those risks and hazards are known and recognized by site superintendents, foremen, and workers.

So, why do we still have incidents and injuries if most of the hazards are known? It comes down to the level of risk that you, and in turn your superintendents and employees, are willing to accept in order to get the job done. Other than asteroid strikes, earthquakes, and locust swarms, if we recognize something as a hazard, we can reduce or eliminate the risk of an injury. Now that you've rolled your eyes, let me say that I agree with you. If we want to get anything done; on a construction site, or getting to work, or walking across the street, we must accept a certain level of risk. We can't escape risk; it is inherent to life.

However, the level of risk we accept is not an all-or-nothing proposition. In construction, deciding the level of risk we will accept is a dynamic part of our decision-making process. As business leaders, you make those decisions. If your job requires an excavation, there is risk associated with that part of the job. Your risk acceptance decision could range from high-risk (excavation without a trench box or cut-back) to low or moderate risk, in which you apply controls to minimize the potential for collapse or cave-in. The accident and injury results that your organization faces are an outcome of your risk mitigation decisions.

But how do we keep people on our job sites from taking decision making into their own hands? We are all familiar with the employee who works on the roof without a harness and lanyard; or the one that operates a saw without the guard; or the one that uses the unsteady scaffold, on the brink of falling over. That's where we come back to the fact that this is your company. You decide the level of risk that your company is going to accept. The trick is getting that message out and making sure your decisions are followed.

Easy job site safety fixes can be tempting - do some inspections, hold a couple toolbox talks and - boom - your job sites are safe. Unfortunately, job site safety is more involved than that. If you leave the decisions up to your employees without any guidance, then your job site and your results are uncontrolled. The level of risk being accepted is being left to the person you hired yesterday.

Here are the key elements of an Effective Job Site Safety Program:

- Commitment
- Understanding
- Communication
- Accountability

Consistently applying these elements of risk management to your organization will result in a risk level that you have decided is acceptable.

**Commitment:** Do your site supervisors manage the risk on your site (to your expectations), or do they go through the motions? I often go into organizations as a safety consultant, and am handed a three-ring binder, and am told, "This is our safety program." It typically requires the superintendents to hold daily toolbox talks, document their safety inspections, hold workers accountable for everything from wearing hard hats to lifting with their legs, and more. The jobsite usually engages in some variant of the program described, but very rarely do they enforce every step of that program.

When you develop your safety program, make sure it is your program. We put together program templates for companies all the time. Each time we put together a program template for a company, we tell the owner to go through the program and make it their own; eliminate the things that don't apply to their operations and even more importantly, eliminate or modify the things they do not intend to do. Once the program is built to accommodate an acceptable level of risk, commit to it. Make that program the rule by which you, your superintendents and your employees will live by. This is by far the most important aspect of keeping job sites safe.

**Understanding:** After building your safety program, you must make sure that everyone in the organization (particularly your managers and superintendents)



understand your expectations. They should know, and be able to apply, the protocols you established in the plan without having to reference it (because it's at the office or in the trailer, not out on the job).

If you have certain requirements for inspections or training or PPE, the supervisors should know the requirements and why they are in place. They must also know your level of commitment to those requirements. Only then will they understand that they must maintain that acceptable level of risk on your site, because that level of risk will yield the results you are looking for. And only then will your supervisors understand the need for them to administer those protocols over the job.

With the understanding built among the supervisors, they will also extend that understanding to the employees. Again, if the employee group doesn't understand the expectations, they can't be expected to work within them. Building this understanding takes both continuous training (upon hire and periodically during the project) and constant reinforcement by the supervisors - which brings us to our next element.

**Communication:** Risk management is a very broad discipline, particularly in construction. Minimizing the possibility of an accident or injury can include everything from health exposures (i.e., silica), to mechanical (i.e., power tools), to electrical (i.e., arc flash), to falls (i.e., ladders and scaffold) and many other risks. We cannot expect employees to intuitively know or understand all our expectations. Therefore, we must commit to continuous communication of those expectations as the demands arise. If a job involves work from elevations, then we must build understanding in those risks. If it involves a chemical exposure, then that must be trained (establish the expectation) and reinforced with continuous reminders.

Much the same as establishing the expectations for production results, your supervisors must continuously be present to build understanding of the safety protocols, and to provide appropriate reinforcement to workers based on observation. The term "reinforcement" brings us to our next element.

**Accountability:** The term accountability has developed a negative slant in recent years. Holding your staff accountable is really just making sure they are operating to your expectations, which isn't a bad thing. Accountability, driven by the process of providing feedback and reinforcement to people, is the most important way to make sure they understand what you desire for your company and for their safety. Holding

someone accountable could mean providing positive feedback or acknowledging that an individual (or group) executed their jobs successfully. On the other side, accountability can also mean providing feedback if the group did not perform as expected, requiring you to restate your expectations or provide additional education or training on an issue that was missed. If your expectations continuously go unmet, you can make risk-based decisions as you find appropriate.

However, you look at it, holding people accountable and providing feedback is the best way to ensure that your expectations (safety program) are being followed. Don't shy away from routinely providing feedback.

## Summary

The bottom line is that job site safety isn't rocket science (unless you're building a launch pad). Effective job site safety is based on deciding what you are trying to get done and the level of risk that you are willing to accept to do it (commitment), teaching your people about your expectations (understanding), continuously reinforcing those expectations (communication), and letting people know whether or not they are meeting those expectations.

Nothing will be as effective as creating a thorough and realistic safety plan and making sure it is enforced at all times. For those just getting started on Building a Job Site Safety Program, here are few items:

- Get a Safety Program Template
- Train your employees
- Conduct site inspections
- Do accident investigations, and
- Maintain the appropriate documentation.

This is a much shorter list of things to do, you'll notice that the title was also shortened by taking out the work "Effective." The only way to have an effective job site safety program is to take a comprehensive approach and follow through with it.

For more information, please contact Paul Coderre, Vice President of Risk Management Services at [PCoderre@OneGroup.com](mailto:PCoderre@OneGroup.com).





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# MAJOR CHANGES COMING REGARDING CERTIFICATION AS A VETERAN OWNED SMALL BUSINESS (“VOSB”) AND SERVICE-DISABLED VETERAN OWNED SMALL BUSINESS (“SDVOSB”)

DIANA PLUE, ESQ. SHEATS & BAILEY, PLLC

The United States government has promoted veteran owned businesses as essential for the U.S. economy. Each year the federal government and NYS awards a portion of contracting dollars on federal projects to certified veteran and service-disabled veteran owned small businesses.

The federal government had two programs that provided federal agencies authority to set aside government contracts for exclusive competition among veteran owned small businesses. Those programs were 1) A self-certification program under the Federal System for Award Management (SAM.gov) that gave access to non-VA government contracts set aside exclusively for SDVOSBs and VOSBs; and 2) the Veterans First Contracting Program, which required VOSBs and SDVOSBs, who wanted to bid on VA government contracts set aside for veteran owned businesses, to be certified by the VA's Center for Verification and Evaluation (“CVE”).

As of January 1, 2023, there will no longer be two separate programs. There will no longer be a self-certification program under the Federal System for Award Management and the CVE will no longer be certifying businesses as VOSB or SDVOSB. Instead, starting January 1, 2023, all veteran owned small businesses will be required to apply for and be certified as a VOSB or SDVOSB by the Small Business Administration (“SBA”).

What does this mean for businesses currently certified by the CVE and for businesses currently self-certified? For businesses currently certified by the CVE they can continue to bid on VA and other government veteran set aside contracts until the end of their three-year approval term, at which time they would then need to recertify with the SBA.

A self-certified VOSB or SDVOSB must apply for certification with the SBA by December 31, 2023. A

self-certified SDVOSB that applies for certification with the SBA within this period may continue to compete for non-VA veteran set-aside contracts until the SBA has acted upon the application for certification.

To be certified by SBA as a SDVOSB or VOSB the following criteria must be met:

- a) At least 51% ownership by one or more veterans or service-disabled veterans.
- b) The service-disabled veteran owners must have a service-connected disability.
- c) Veteran or service-disabled veteran ownership must be real, substantial, and continuous. The Veteran or Service-disabled veteran owners must have the authority to independently control the day-to-day operations of the business and make long-term decisions for the business and must run the business.
- d) Must be a small business according to SBA's size standards.
- e) The veteran or service-disabled veteran owners must share in the profits equal to their ownership interest.
- f) The veteran or service-disabled veteran owner must hold the highest officer position in the company.

In addition to Federal SDVOSB certification a business can also apply for New York State SDVOSB certification. NYS has its own SDVOSB program ran by the Office of General Services. NYS has legislated that 6% of state contracts be directed to NYS certified SDVOSB companies. The requirements for certification under the NYS SDVOSB program are similar to the Federal Program requirements but there are some differences as follows: 1) NYS defines small business as having 300 or less employees; 2) NYS requires the

SDVOSB be located within NYS or have significant business presence in NYS; and 3) NYS requires the business to be operating for one year prior to application.

Before certifying as a VOSB and SDVOSB it is imperative that a business understands the control and ownership requirements of VOSB and SDVOSB certification. The business must be unconditionally owned and controlled by a veteran or service-disabled veteran. This unconditional control must be reflected in the business' controlling documents and everyday operation of the business.

Procuring contracts that are set aside for VOSB or SDVOSB when the business is not unconditionally owned and controlled by a veteran is a violation of the False Claims Act and can have dire consequences such as prison time, large civil fines up to triple the profit earned on improperly gained contracts as well as debarment for five years from future federal contracting opportunities.

The process for VOSB and SDVOSB certification has many nuances. The attorneys at Sheats & Bailey, PLLC are experienced with these processes, and always ready to lend a hand to applicants filing for certification or businesses facing False Claim Act charges and debarment.

For more information or assistance contact Diana Plue, Esq. Sheats & Bailey, PLLC, Tel: (315) 676-7314, [www.TheConstructionLaw.com](http://www.TheConstructionLaw.com).

The information provided in this article is not intended to serve as specific legal advice for any particular situation. Competent legal and experienced counsel should be consulted.



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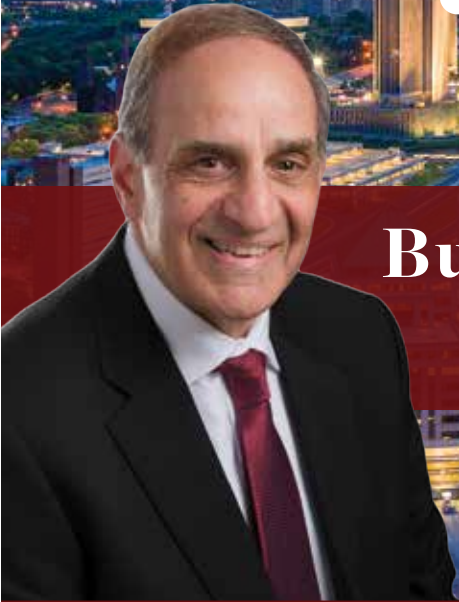
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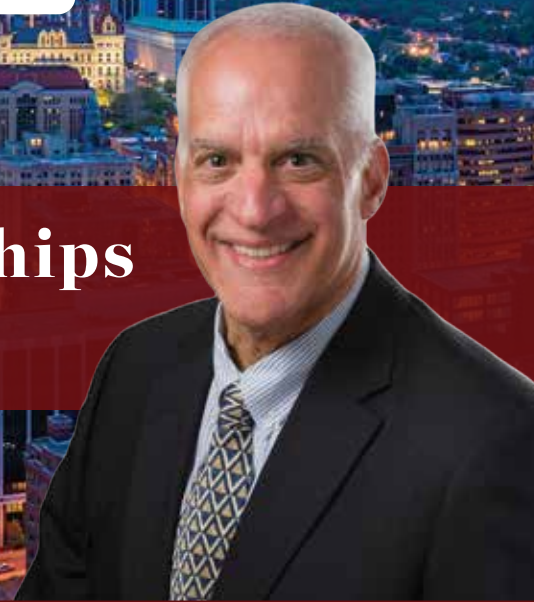
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# MOVE ALONG, INC.: ENHANCING ABILITIES FOR ALL

ELIZABETH LANDRY

**T**en years ago, Mike Smithson suffered a spinal stroke and became an incomplete paraplegic, only able to walk and stand up with the help of assistive equipment. As a Navy veteran, retired air-traffic controller, husband and father, the following years were very difficult and involved re-learning his entire way of life.

In 2016, Mike attended an event hosted by the VA hospital and a not-for-profit organization called Move Along, Inc. There, he saw other disabled veterans playing sports, being active and genuinely enjoying life. He was so inspired by the participants that he became involved with Move Along and learned how to play adaptive sports himself, re-capturing his passion for life with every new activity he experienced.

Fast-forward to 2022 and Mike is now the newly elected board president of Move Along, working to achieve the organization's goal of helping many more physically limited people re-gain enjoyment of life through adaptive sports and human connections.

In operation for over 20 years, Move Along has its roots in the still-active wheelchair basketball and sled hockey teams, the Flyers, which began in 1979. Move Along's mission is to provide and promote inclusive adaptive sport and recreation opportunities for people with disabilities and allies.

The organization aims to make a difference for disabled people of every age and from every walk of life: veterans, stroke victims, amputees, the elderly, those born with cerebral palsy, spina bifida and other congenital disorders, and the list goes on.

The main goal of Move Along is to make adaptive equipment as available as possible to everyone in the community. Move Along owns many types of devices that are adapted for use by people with varying levels of physical abilities. Recumbent chairs, hand cycles, tennis chairs, wheelchairs for wheelchair basketball, sleds for sled hockey, kayaks equipped with pontoons, and many

more, are all available for borrow or rent. Additionally, the organization sponsors and coordinates several events and sporting activities, such as wheelchair basketball and sled hockey tournaments, as well as stroke victim support group meetings, to name a few.



**Mike Smithson, Move Along Inc,  
President, Board of Directors**

As the organization evolves, another of Mike's initiatives for Move Along is to build partnerships with other like-minded organizations and increase educational awareness about interacting with disabled people. "We want able-bodied people to engage with us and not ignore us," Mike explained.

People with physical disabilities often feel marginalized and disconnected from the wider communities they live in. When these individuals get the chance to actively participate in sports and other recreational events, their spirits are uplifted and their excitement is unmistakable.

"We want to reach people to tell them they should not be alone, they should not be looking out the window at their friends riding their bikes – they should be able to get out and play. I know how life-changing it can be," Mike said.

As a 501(c)(3) non-profit, Move Along accepts donations to help reach its goals and continue to provide adaptive equipment for the community. All are welcome to get involved and help live out the organization's mission.

To learn more about Move Along and how you can help or lead others to utilize their services you may visit their website at [www.MoveAlongInc.org](http://www.MoveAlongInc.org) or call 315-350-1726.



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**Art Director** - John M. Paone  
**Photographer** - Chuck Wainwright

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Paul Coderre, Wael Khalil, Elizabeth Landry, Diana Plue, Nicholas Shires, Abby Sweers

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