



Past President Memorial

by John Siegle

Twenty-five years ago, come this June, I was sitting on a stool in an office on Andrews Avenue in Ft. Lauderdale facing 15 men. The office belonged to David F. McKnight of Caldwell-McKnight Construction. I was interviewing for the job I now hold. David was then



David F. McKnight
1942-2014

the newly elected President of the Broward Builders Exchange and his first task was to hire a new Executive Director

for the Association. As they say, the rest is history.

David was never shy when faced with serious matters that demanded attention. No matter how serious, he had a talent for saying something comical, totally unexpected and the seriousness would dissolve into smiles and sometimes laughter.

During his tenure as President (1989-90) he started the Association's Scholarship Fund that, to this day, awards funds to post-secondary students studying building construction and considering a career in South Florida.

David McKnight passed away on March 26. He grew up in Orlando and attended UF's Rinker School of Building Construction graduating in 1965. Following graduation he worked for J.A. Jones Construction and then Frank J. Rooney Construction. In 1972, David and George Caldwell formed Caldwell-McKnight Construction. They built many prominent structures including the 17th Street Embassy Suites, The Quay Shopping Center, Jacaranda Country Club, Memorial Medical Building and others. In 1995 he formed D.F. McKnight Construction and built the rare book section of the Broward County Library, Lauderdale Marine Center and several other commercial buildings.

He was very proud of the fact that he was a Past-President and often boasted that he lead the interview process that resulted in me being hired. David and the men who served with him on the Board of the Broward Builders Exchange laid the foundation for what the Construction Association of South Florida is today.

One thing I will always remember is that I never ended a conversation with David without having a smile or grin on my face. He was just that kind of guy.

Member News

Link Construction Group has been contracted by the City of Weston for the new construction of an emergency operation center. The Weston Emergency Operation Center will be located at 17200 Royal Palm Boulevard in Weston. Saltz Michelson out of Fort Lauderdale designed the 25,000-square-foot, 3-story structure to allow city staff to respond to an emergency or disaster in a centralized, state-of-the-art location, that is designed to withstand a category-5 storm. The new building will also house the city's information technology hardware and building department and will be used daily for code services and is slated for completion mid-2015.



Weston Emergency
Operation Center

JWR Construction Services recently held a ground breaking ceremony for the St. Henry's Church expansion project located at 1500 S. Andrews Avenue in Pompano Beach. The project consists of a 1,500 sq ft new addition attached to the west end of the existing Sanctuary and a 1,250 sq ft covered Porte-Cochere to match the existing church exterior style and components. The site work is reconfigured to provide drive-through access to the covered area adjacent to the West side of the new addition. This project will be completed by Fall 2014.



St. Henry's Church

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Care, Service & Long Lasting Relationships

Each month Construction FOCUS features a CASF member company, selected by drawing a business card from among those attending the monthly networking breakfast. The next breakfast, sponsored by HITT Contracting, will be held on Thursday, May 22, 7:30 a.m. at Shula's Hotel in Miami Lakes.

MultiSource Corporate Advisory Services was founded in 1994, by Gabriel Baizan and Steven Wain. For 20 years, MultiSource dealt with the insurance aspect of the construction industry. They provide a full range of customized insurance products and financial services to corporate and individual clients. Products include medical, life, dental, short and long term disability, vision, retirement, executive and key employee plans. They have a team of professionals and consultants who help in the education and use of these services and products. The company's philosophy is to provide a complete and comprehensive benefit package through the flexibility of a wide range of products, services, resources and providers.

The goal of MultiSource is to simplify and meet their client's needs. In order to meet this goal, they incorporate the following qualities: Care, service and long lasting relationships. Co-founder Steven Wain reiterates the importance of one particular quality. "Care is the most important and is first among our qualities. We care about the products and the services that we are providing. It is not just about the money, but rather the relationship we have with our clients". MultiSource makes a conscious effort to remain on the cutting edge in order to provide the best service possible. Every client has unique needs, from customized employee communications and enrollment materials to timely industry updates. Some of the other services offered include needs and assessment, plan

analysis and design, coverage specifications, carrier negotiation, plan implementation, simplification of administration, client support and trouble shooting.

MultiSource's Steven Wain explains why his company differs from other insurance businesses, "MultiSource creates a relationship with their clients and treats them more like family rather than just transactional business." The best thing about working for this company Wain states "Is the problem solving, especially protecting small business and individuals from hard financial losses." MultiSource makes certain that there is diversity in the products and services that they provide. Rather than working exclusively with one insurance carrier, strong relationships are maintained with all major carriers, as well as, with professionals. Through this maintenance access to the entire insurance marketplace is available with unbiased recommendations. An obstacle that MultiSource faces, according to co-founder Steven Wain, is "saying NO to people." MultiSource contends that they build on a foundation of trust, knowledge and confidence when conducting business and themselves.

MultiSource Corporate Advisory Services joined CASF in 2004; Steven Wain is passionate about client and member relations, he makes sure current and prospective members are comfortable at all CASF events. MultiSource Corporate Advisory Services is located in Boca Raton. To contact Steven Wain call (954) 478-5025.

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Construction Focus is the official publication of the Construction Association of South Florida. Article suggestions and submissions for publication consideration should be forwarded to the Executive Vice President.

Discourage Texting While Driving

OSHA is encouraging employers to prevent texting while driving among their workers.

Motor vehicle crashes are the leading cause of death on the job, accounting for more than 2 out of every 5 fatal work injuries in 2012, according to the Bureau of Labor Statistics. The Department of Transportation has now launched a national campaign to stop texting while driving and other distracted driving hazards. To learn more, visit www.distraction.gov.

Texting while driving is the act of composing, sending, reading text messages, email, or making other similar use of the web on a mobile phone while operating a motor vehicle. The practice has been viewed by

many people and authorities as dangerous, and in some places has been outlawed or restricted. Texting while driving leads to increased distraction behind the wheel.

- ◆ The National Highway Traffic Safety Administration reported that in 2010 driver distraction was the cause of 18 percent of all fatal crashes – with 3,092 people killed – and crashes resulting in an injury – with 416,000 people wounded.

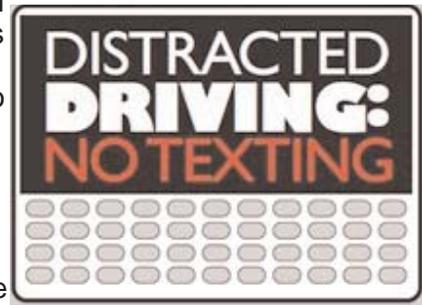
- ◆ Forty percent of all American teens say they have been in a car when the driver used a cell phone in a way that put people in danger, according to a Pew survey.

- ◆ The Virginia Tech Transportation Institute found that text messaging creates a crash risk 23 times worse than driving

while not distracted.

OSHA reminds employers that they have a responsibility to protect their workers by prohibiting texting while driving. It is a violation of the OSH Act if employers require workers to text while driving, create incentives that encourage

or condone it, or structure work so that texting is a practical necessity for workers to carry out their job. For more information, including a Distracted Driving brochure, visit OSHA's Distracted Driving web page.



Legal Q & A

Q. I am a GC and the Owner is trying to assess liquidated damages, as he said we were late to complete the project. I am trying to pass down these damages to the subs who actually caused the delay. One of them said since there was not a liquidated damage provision in the subcontract I cannot pass these down - is he right?

A. Strictly speaking yes - absent the liquidated damages being specifically included in the subcontract, the subcontractor would not be liable for those damages.

In a lawsuit a party must prove its damages with a "reasonable certainty". In some circumstances a delay in completion would cause

damages, but the amounts of those damages may be difficult to calculate. Say the damages for a school not opening on time or the damages for a bridge not being completed on time. Liquidated damages are a legal solution to that dilemma.

As a liquidated damage clause is allowed in scenarios where actual damages could not be reasonable ascertained, actual damages would not be allowed. In some instances liquidated damages may actually be a better result than allowing the party to seek its actual damages. For example the damages that can be assessed for not opening a store or other business on time, with lost revenues, lost grand opening advertising costs, etc, may make liqui-

dated damages a bargain.

Liquidated damages are allowable in both the public and private setting but they must be "reasonable" and cannot be deemed "a penalty". I put these terms in quotations as there are no hard and fast rules for what would be considered reasonable or what would be a penalty. If the liquidated damage amount is determined to be unreasonably high the liquidated damage clause will be deemed unenforceable.

If you desire to pass down the liquidated damage provision in your prime contract you must specifically include it in your subcontracts.

Kevin J. Taylor has been Certified by the Florida Bar as an expert in construction law. For more information view his website www.kevintaylorlaw.com.

CONSTRUCTION
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ROUTE TO:

Meet the General Contractors In Miami
Hilton Miami, Thursday, April 3

