

AUGUST 2017

AUGUST

August 16
Monthly Meeting
DINNER Mtg.
Syberg's on Dorsett

August 22
Change Order Seminar
Syberg's on Dorsett

SEPTEMBER

September 20
Monthly Meeting
GC LUNCH Mtg
L. Keeley Construction

OCTOBER

October 2
30th Annual
Golf Tournament
Whitmoor CC

NOVEMBER

November 4
ASA Midwest Council's
50th Celebration
The Thaxton

visit
www.asamidwest.com for
a calendar of events.

HAPPY BIRTHDAY ASA Midwest Council. As most of you know ASA MWC is celebrating it's 50th year of empowering The St. Louis subcontracting community through advocacy, education, and networking. This means we started in St. Louis the same year the Blues expansion team arrived, KSHE 95 started playing Rock N Roll from Crestwood, and the Poplar Street Bridge was just finished. So, we're throwing a party. Please mark your calendars and plan on attending ASA MWC's 50th Celebration on November 4th at The Thaxton in downtown St. Louis. (1009 Olive St., St. Louis, MO). Details coming soon!

I'd like to thank everyone that attended the July 19th membership meeting with Cardinal's president, Bill Dewitt III, at the AT&T Rooftop of Ballpark Village. This meeting was packed, and I think it really showed how excited we are as contractors to have business owners who are willing to invest in our community. This new project is going to be massive. Mr. Dewitt said that Phase 2 of Ballpark Village will contain nearly 5 times the square footage of the current Phase 1 facility. The plan is to break ground before the end of the year and is expected to employ about 1,500 construction workers at some point throughout the duration of construction.

Also at the July 19th meeting, ASA Midwest Council was given an award by the USO of Missouri! Our chapter was recognized with the *5 Star Donor Award* for 2017. The USO acknowledged our Tickets for the Troops Program, in its 9th year, as well as the donations made each year following the ASA Golf Tournament. Special thanks to Tom McDonnell, with George McDonnell & Sons, for his ongoing dedication to the Tickets for the Troops program, as well as all our members that so generously support the program each year, by donating Cardinal's tickets to home games in July. (See list of 2017 donors in this newsletter).

If you attended this meeting, I hope you enjoyed yourself, and I look forward to seeing you at our next monthly membership DINNER meeting, on August 16th at Syberg's on Dorsett.

Val Perales
Bazan Painting Co.
vperales@bazanpainting.com
President, ASA Midwest Council



Syberg's on Dorsett
2430 Old Dorsett Road
Maryland Heights, MO

**Directions: Exit HWY 270 at the Dorsett Exit.
Go east on Dorsett, and a left onto Old Dorsett
Road to Syberg's.**



MIDWEST COUNCIL

Building. Community. For **50** Years.

The American Subcontractors Association-Midwest Council (ASA) is celebrating its 50th Anniversary in 2017!

Join a committee today.

Membership

(Chris O'Hagan)

Programs

(Chris O'Hagan)

Golf *(Jennifer Church)*

Advocacy *(Tim Thomas)*

Awards Gala

(Molly Spowal /Rick Swanson)

Construction Showcase & BBQ

(Amy Heeger/Jim Riportella)

GC Expo

(Walter Bazan, Jr. /Tim Thomas)

Safety

(Mike Sicking)

Brand Development

(Stephanie Woodcock)

Contract Review *(Dick Stockenberg)*

Contact a committee chair today, to join a committee!

**AUGUST 2017
MONTHLY MEETING
MEMBER DINNER MEETING
Syberg's on Dorsett
Wednesday, August 16, 2017**

Please join the ASA Midwest Council for our Monthly Membership **DINNER** Meeting on Wednesday, **August 16, 2017** **Syberg's on Dorsett** 5:30 to 8:00 p.m.

**C o m m u n i c a t i n g F r o m
H i r e T o R e t i r e**

Our Program for the evening features Dr. Zach Schaefer. If you want to learn how to best motivate new hires & people more advanced in their careers in order to get the highest quality work out of them, you don't want to miss this fun and interactive presentation by communication expert Dr. Zach Schaefer. Participants will walk away with the secret ingredient to effective "coaching conversations" and take home their own behavioral profile. For more info about our speaker visit sparkthediscussion.com

MEETING AGENDA:

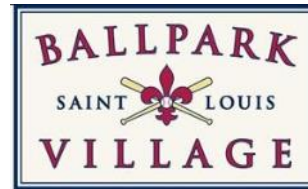
Networking & Cocktails 5:30 to 6:30 p.m.
BPI (sub members only) 5:45 to 6:30 p.m.
Dinner & Announcements 6:30 to 7:15 p.m.
Program: Dr Zach Schaefer 7:15 to 8:00 p.m.

BPI Companies: ACW Alliance, Keystone Construction Co, Raineri Construction, United Construction, Paric Corp.

Registration includes hosted bar, dinner, and program with Dr. Schaefer.
\$42 ASA Members

Register online-www.asamidwest.com
by Friday, August 11, 2017 Attendees not cancelled by 8.11.17 will be charged per ASA cancellation policy.

Thanks to everyone that attended the July 19th ASA Monthly Meeting at Ballpark Village!



150 people enjoyed lunch at the AT&T Rooftop, overlooking beautiful Busch Stadium. What a great presentation from Cardinals president Bill DeWitt III, where we learned a great deal about the upcoming phase 2 of Ballpark Village construction, set to begin in late 2017, as well as the inside scoop about Cardinal's baseball!



SUB LEFT HOLDING EMPTY BAG: NO LIEN, NO BOND CLAIM, BIG PROBLEM

Richard A. Stockenberg
Sandberg Phoenix & von Gontard
314 446-4301
rstockenberg@sandbergphoenix.com

Subcontractors are accustomed to believing their payments are secured by either a mechanic's lien or a payment bond, sometimes both. For example, when the public utility, AmerenUE, convinced the Missouri Court of Appeals that due to its quasi-governmental status, it should be immune from mechanic's liens, the Court went on to say that AmerenUE would be required to have its prime contractors post payment bonds for the protection of subcontractors.

By requiring a payment bond as a substitute for a mechanic's there would appear to be a seamless continuum built into the payment process for the protection of subcontractors. However, the Missouri Supreme Court has cast a cloud over this notion.

In this case, St. Louis County owned property it planned to develop for the headquarters of Smurfit-Stone Container Enterprises. The fact that the County owned the property was critical in the Court's view even though the property was purely private in nature without any governmental function. The County was to issue industrial revenue bonds to finance the project, upon which only Cornerstone VI, LLC, the tenant, could draw. The County and Cornerstone had a contract requiring Cornerstone to construct the project "on behalf of the County" and it authorized Cornerstone to act "as agent of the County."

Clayco, Inc., the general contractor, entered into a subcontract with Pal's Glass to supply the glass and glazing scope of work. In turn, Pal's entered into a sub-subcontract with Brentwood Glass for some of the work. Brentwood Glass served notice of its intent to file a mechanic's lien. Thereafter, because it was still not paid it filed its mechanic's lien against the County's ownership interest in the real estate and also against Cornerstone's leasehold interest. While the Court said Brentwood Glass could place a lien against Cornerstone's leasehold interest, it could not place a lien against the more valuable asset, namely, St. Louis County's ownership interest in the real estate.

The Court's decision is noteworthy not only because of the result, but also because of its lack of analysis. In its written opinion the Court cited to the general rule that liens against property owned by the government are not allowed, but it failed to discuss or analyze the well-known exception allowing liens on property owned by the government and used for non-governmental purposes. Until the Supreme Court's decision it has been generally understood that mere ownership of real estate by a Missouri governmental body will not by itself preclude liens against the property if the property is not used for public purposes.

A 1991 decision of the Missouri Court of Appeals said, "Only such property held by [the government] for the benefit of the public which can be determined to be reasonably necessary for public use is exempt." While the Supreme Court's decision in the Brentwood Glass case recites that the building was to be used "for the headquarters of Smurfit-Stone Container Enterprises, Inc.," the court inexplicably failed to mention or discuss this well-known exception to the general rule of "no lien against government owned property." Using the property as a corporate headquarters for a private entity can hardly be viewed as a public purpose.

No doubt believing that it was protected by either a lien or a payment bond, Brentwood Glass also made a claim in its lawsuit against St. Louis County attempting to hold the County liable for failing to obtain a payment bond for the benefit of unpaid subcontractors. There is an established body of case law in Missouri permitting such actions against the governmental employees/officials who fail in their duty to obtain a payment bond when one is required.

In the Brentwood Glass case five of the seven judges on the Supreme Court said no bond was required because "Cornerstone did not 'provide construction services' under its contract with the County..." The Court again was skimpy on analysis. The Court merely noted the statute "requires a bond of a 'contractor' that 'provides construction services under contract to a public entity,' not a party that merely arranges for such services to be provided by others."

It is regretful that the Court failed to provide any analysis. If it had done so, it may have reached a different result. The Court based its decision on its belief that Cornerstone, the developer who had a contract with the County to construct the property, did not "provide" construction services to the County. No bond was required apparently because Cornerstone did not self-perform work, but merely hired others to do so. The Court recognized Cornerstone as the "agent" of the County but did not find it had the responsibility the County would have had to obtain a bond.

An analysis of prior case law would show in the context of construction law that a party may be deemed to "provide" services even if those services are to be performed by others, such as subcontractors. For example, in *Strain-Japan R-16 School District v. Landmark Systems, Inc.*, the Court said that a contract to "provide" engineering services should not be confused with a contract to "render" those services. In other words, if a general contractor enters into a design-build contract and uses a professional engineer as a subconsultant for the design, the general contractor is deemed to have "provided" the engineering services even if they are rendered by a licensed professional engineer and not the unlicensed contractor. Using this precedent and interpretation, Cornerstone could have been deemed to be "providing" construction services and thus obligated to obtain a payment bond for the protection of subcontractors. Unfortunately, the Court's decision could mean that in the future a contractor hired by a governmental body to serve as its construction manager may not have to obtain bond protection for subcontractors if that construction manager does not self-perform any of the work.

This case cries out for legislative relief. Until that happens beware of the added risk when working on projects in Missouri where the property is owned by a governmental body, used for a private or non-public purpose and financed through industrial revenue bonds.

ASA Midwest Council & FMI Corporation

PRESENT

CHANGE ORDER MANAGEMENT SEMINAR

Risk Management: Sr. Leaders
8:00 to 11:45 a.m.

An Examination of Firm Risk & Change Order Management. Morning session is geared toward Senior Management/Office

Change Order Management: Field & Project Mgrs.
1:00 to 3:30 p.m.

Develop a proactive change order management process in order to protect company margins, and protect against client dissatisfaction & legal issues.

Register for each session separately, depending on your position, as each session is geared to either Sr. Leadership or Field Leadership.

LUNCH FOR BOTH Sessions at NOON is included!



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MIDWEST COUNCIL

Building. Community.

Tuesday, August 22nd
Syberg's on Dorsett

Sr. Leaders a.m. Session: 8:00 to 11:45 a.m.

LUNCH for Both Sessions 12:00-12:45 p.m.

Field/Project Leader p.m. Session : 1:00 to 3:30 p.m.

Gregg Schoppman
FMI Instructor



TO REGISTER

www.asamidwest.com to register by 8.17.17
\$40 ASA Members \$100 Non Members-Lunch Included

THANK YOU

to the MEMBER COMPANIES that attended the JULY monthly meeting:

Affton Fabricating & Welding	Enterprise Bank & Trust	Integrated Facility Services	RM Supply
American Steel Fabrication	Event Productions	JD Kutter	RubinBrown LLP
AUTCO Appliances	Fabick Rents	JW Terrill	Sachs Electric
Automatic Controls	Foundation Supportworks	Lindberg Waterproofing	Sandberg Phoenix
Bazan Painting Co.	Frost Supply	Lizmark Branded Solutions	von Gontard
Big Boy's Steel Erection	Galloway, Johnson,	Marketeer, Inc.	Schmersahl Treloar & Co.
Blue Line Rental	Tompkins, Burr & Smith	Midwest Elevator	SFW Partners
Boyer Fire Protection	George McDonnell & Sons	Murphy Company	St. Louis-KC Carpenters
CE Jarrell Contracting	Golterman & Sabo	P&A Drywall	Regional Council
CK Power	Grant Contracting	Precision Analysis, Inc.	Stylemaster Promotional
CMIT Solutions	Guarantee Electrical Co.	Premier Accounting & Consulting Solutions, LLC	Products
Commercial Fabrication	H&G Sales	Professional Metal Works	Sunbelt Rentals
Doll Services	Haberberger Inc.	QualSafe Solutions LLC	TJ Wies Contracting
Drilling Service Co.	HM Risk	R.F. Meeh	Tyson Onsite
Duct Systems	Hunt Vac Services	Ravensberg Inc.	UHY LLP
	ideas4promos	Rental Supply	United Rentals
			Vinson Mortgage

2017 ASA Midwest Council Meetings & Events



- | | |
|---------------------|--|
| August 16 | Monthly Membership DINNER Meeting
<i>Syberg's on Dorsett</i> |
| August 22 | Seminar-Change Order Management
<i>Syberg's on Dorsett</i> |
| September 20 | Monthly Membership LUNCH Meeting
<i>L. Keeley Construction</i> |
| October 2 | ASA Midwest Council Golf Tournament
<i>Whitmoor Country Club</i> |
| November 4 | ASA Midwest Council's 50th Celebration
<i>The Thaxton-Downtown STL</i> |
| December 13 | ASA Member Holiday Party
Casino Night
<i>Syberg's on Dorsett</i> |



*ASA Midwest Council is on Facebook, Twitter & LinkedIn
Follow ASA Midwest Council for the latest news and information!*



Please join us for the 30th Annual

ASA Midwest Council Golf Tournament

Monday, October 2, 2017 • Whitmoor Country Club • 11:30 a.m. Tee Time

Reservations Required • Sponsorships Available

All-Inclusive Registration:

Golfer Gift • Course Games • Lunch Buffet • Cocktail Hour • Steak Dinner • Silent Auction



Visit asamidwest.com to register.
susan@asamidwest.com or (314) 845-0855 for additional details.

**REGISTRATION AVAILABLE FOR THE 30TH ANNUAL
ASA MIDWEST COUNCIL GOLF TOURNAMENT**

**VISIT WWW.ASAMIDWEST.COM
FOR SPONSORSHIP & GOLFER REGISTRATION**

**THANK YOU TO THE BELOW COMPANIES
FOR THEIR GENEROUS DONATION OF CARDINAL'S TICKETS
FOR ASA'S 2017 *TICKET FOR THE TROOPS* CAMPAIGN**



**American Steel Fabrication
ARCO Construction
Bazan Painting Co.
Briner Electric Company
Fabick Rents
Frontenac Painting Company
George McDonnell & Sons Inc.
G.H. Voss Construction Co.
Goedecke Company
Grant Contracting
Haberberger Inc.
Hanenkamp Electric Company
Hansen's Tree Service
Hayden Wrecking Corporation
Heitkamp Masonry
Irwin Products, Inc.
Kadean Construction
Kay Bee Electric
The Korte Company
Metzger McGuire
Negwer Door Systems
O J Laughlin Plumbing Company
P&A Drywall Supply
Rock Hill Mechanical Corporation
Schmersahl, Treloar & Company
Superior Waterproofing & Restoration Company
The Surety Association of St. Louis
T.J. Wies Contracting, Inc.
United Rentals
Mr. Ron Wiese**

***SPECIAL THANKS TO TOM MCDONNELL, GEORGE MCDONNELL & SONS,
FOR COORDINATING *TICKETS FOR THE TROOPS* FOR THE 9th YEAR!***

Since the programs inception, a total of 2,262 tickets, valued at over \$178,000, have been donated to our men and women in the armed services, so that they can attend a baseball game with their families!

The month of July was relatively quiet on the legislative front. As of newsletter press time, the General Assembly was still in the midst of a second special session considering legislation dealing with abortion. The Governor has taken on the bill passed by the General Assembly as the constitutional deadline for bills to either be signed or vetoed was July 14.

Senate President Pro-Tem Ron Richard has established the Senate Interim Committee on Labor Reform. The stated mission of the committee is “to conduct in-depth studies and make appropriate recommendations concerning the hourly rate of wages to be paid to workers by or on behalf of any public body engaged in public work and the regulation of public-sector labor organizations and public bodies that deal with such organizations”. Committee members include Senators Dave Schatz, Dan Brown, Jacob Hummel, Brian Munzlinger, Bob Onder, Ryan Silvey, and Gina Walsh. A meeting date for the committee has not yet been scheduled. However, ASA along with other construction trade groups have been meeting all summer with groups who favor total repeal or a modification of prevailing wage to try to come up with a solution both sides can live with on the issue.

July 14 marked the constitutional deadline for the Governor to either sign, veto or take no action (which simply means a bill becomes law without the Governor’s signature). Out of the 59 policy bills and 16 appropriation bills, the Governor only vetoed 5 bills. Worth noting, the Governor allowed HB1194 to become law without his signature. The bill prohibits political subdivisions from requiring a minimum wage that exceeds the requirements of state law. This bill was filed and passed to address a local St. Louis ordinance that would have raised minimum wage rates above what is allow by the State of Missouri. Also, worth noting SB16 was signed into law by the Governor. The bill that didn’t get much attention during the legislative session. The bill exempts delivery charges from sales and use tax. All bills, unless they contained an emergency clause, will go into effect on August 28, 2017.

As reported in the July newsletter, Governor Eric Greitens called a second special session on June 12 to deal with abortion laws in the state. The bill started in the Senate and was taken up and passed in a significantly different version by the House the following week. Since the House version was different than the Senate version, the Senate must take the bill back up. While the bill sat idle, the Governor amended his call for special session to specifically cater to the bill passed by the House. It appears a conference to hash out the difference in the two versions is not likely and, based on the Governor’s revised special session call, the Senate likely will take up the bill as passed by the House. The issue sat idle the second half of June and most of July; however, the Senate was scheduled to take the bill up again the week of July 24. As of newsletter press time, there we did not know the outcome of this bill.

The 21st Century Missouri Transportation System Task Force held their first meeting in Jefferson City on June 28, where they heard a presentation from MoDOT Director Patrick McKenna. There were varying opinions from committee members and from those who testified, regarding funding solutions for the state’s aging infrastructure. Topics discussed included a motor fuel tax increase, better utilizing current revenue sources, and the possibility of public-private partnerships and tolling. The committee is slated to meet again on July 26 in Kansas City in the Union Station Board Room.

Governor Eric Greitens recently signed Executive Order 17-18, which creates a prescription drug monitoring program (PDMP), for the state. The General Assembly has debated the establishing a PDMP for years, but has not been able to pass such a bill because some members think creation of another government database equals too much overreach into citizens’ private lives. Until now, Missouri was the only state in the nation without such a monitoring system. Some have applauded the governor’s order saying it is one of the steps necessary in battling the current opioid epidemic. Others, meanwhile, say the governor is acting in the manner of a dictator by issuing executive orders, and bypassing the legislative process.

We will continue to update you on the political landscape in Jefferson City as they occur. Nikki Strong, Strong Consultants.

ASA Midwest Council Members

Acoustical Ceilings, Inc.
Affton Fabricating & Welding
AME Constructors
American Burglary & Fire, Inc.
American Steel Fabrication, Inc.
Architectural Sheet Metal Systems
Aschinger Electric
Autco Appliances
Automatic Controls Equipment
Bangert Computer Systems
Bazan Painting Company
Bell Electrical Contractors
Benson Electric Company
Bick Group
Big Boy's Steel Erection
Bi-State Fire Protection Corp.
Bi-State Utilities Company
Bloomsdale Excavating Co.
Blue Line Rental
Boyer Fire Protection
Briner Electric
Building Point Mid-America
Bumpy's Steel Erection LLC
C. E. Jarrell Contracting
CK Power
CMIT Solutions
CNA Surety
CSA Advisors LLC
Car-Doc Automotive
Cardinal Environmental Operations
Cee Kay Supply
CliftonLarsonAllen, LLP
Collins & Hermann
Commercial Fabrication
Convergint Technologies
Corrigan Company
Cummins Sales and Service
Doll Services and Engineering
Drilling Service Company
Duct Systems
Dynamic Controls, Inc.
ELCO Chevrolet Cadillac
Enterprise Bank & Trust
Event Productions, Inc.
Fabick CAT
Fenix Construction Co. of STL
Flooring Systems, Inc.
Foreman Fabricators
Foundation Supportworks by Woods
Freeman Contracting
Frost Supply
Gateway Land Services
Galloway, Johnson, Tompkins, Burr & Smith
GBI, Inc.
George McDonnell & Sons
Golterman & Sabo
Grant Contracting
Greensfelder, Hemker & Gale, P.C.
Guarantee Electrical
H & G Sales, Inc.
HM Risk
Haberberger, Inc.
Hanenkamp Electric
Hayden Wrecking
Heitkamp Masonry
Helitech Civil Construction Division
Herc Rentals
Hoette Concrete
Hunt Vac Services
Ideas4Promos
Integrated Facility Services
Irwin Products
JD Kutter
J.F. Electric
JJ Construction Services, LLC
J.W. Bommarito Construction Co.
J.W. Terrill
John J. Smith Masonry
Johnson Controls
K & K Supply, Inc.
Kaemmerlen Electric
Kaiser Electric
Kay Bee Electric
Kirberg Company
Kirby-Smith Machinery, Inc.
Knapheide Truck Equipment
Landesign LLC
Lawrence Fabric & Metal Structures, Inc.
Leach Painting Company
Liberty Mutual Surety
Lindberg Waterproofing
Lizmark
Luby Equipment Services
Marketeer, Inc.
Martin Fence, LLC
Mays-Maune-McWard, Inc.
Merric
Meyer Painting Co.
Midwest Elevator
Midwest Construction Services & Products
Mobile Mini
Montgomery Bank
Murphy Company
Negwer Door Systems
NES Rentals
Niehaus Building Services
Nu Way
O.J. Laughlin Plumbing Co.
On Site
P & A Drywall Supply
P.M. Leach Painting Co.
Parkway Construction Services
PayneCrest Electric
Pearl Street Electric, LLC
Pirtek Fenton
Precision Analysis, Inc.
Premier Accounting & Consulting
Professional Installers
Professional Metal Works, LLC
QualSafe Solutions
RAI Insurance Group
R.F. Meeh Co.
RJP Electric
RM Supply
Raineri Building Materials
Ravensberg, Inc.
Rebar Specialists Installation
Rental Supply, Inc.
Riechmann Transport, Inc.
Ritchie Bros Auctioneers
Rock Hill Mechanical Corp.
RubinBrown LLP
Sachs Electric Company
Safety International, LLC
Sandberg, Phoenix, von Gontard
Schaeffer Electric Co., Inc.
Schmersahl Treloar & Co.
Seal the Deal
Seiler Instruments
SFW Partners, LLC
Signature Craft
St. Louis-KC Carpenters Reg Council
Stylemaster Apparel, Inc.
Sunbelt Rentals
Swanson Masonry, Inc.
T.J. Wies Contracting
Taylor Excavating
Tradesmen International
TROCO Custom Fabrication
Tyson Onsite
UHY LLP
United Rentals
Vee-Jay Cement Contracting
Vinson Mortgage
Westport Pools
Wies Drywall and Construction
Zurich Surety

Each month you will receive an update on the committees within ASA, to keep you informed on current happenings at the committee level. Below are this month's committee reports.

MEMBERSHIP

ASA Midwest Council is celebrating its 50th Anniversary in 2017! We are 170 companies strong, and growing. Do you know a company that would benefit from joining the ASA? Contact membership chairman Chris O'Hagan-chris@jdkutter.com or Susan Winkelmann, ASA executive director susan@asamidwest.com with any prospective new members. The membership committee will follow up with your contacts, and invite them to the next ASA membership meeting as our guest.

The ASA Midwest Council helps St. Louis subcontractors become more profitable and provides members with numerous benefits. ASA's goal is to make our members more efficient and effective at doing business. We are an organization that helps its members increase their business and make them better at what they do on a daily basis.

ASA Midwest Council provides extensive opportunities to *Learn About and Network with Customers and Peers*: ASA provides a safe place for construction business leaders to discuss their business challenges and opportunities.

Being active in ASA-MWC is a great way to meet with and interact with all of the members of the construction team, including customers and prospective customers.

ASA Midwest Council events are "must attend" for everyone in the St. Louis Construction Community. Our Meet the GC's Expo, Awards Gala, Golf Tournament, and STL Construction Showcase and BBQ, set the standards for all industry events.

ASA Midwest Council events attract those from all aspects of the construction industry including General Contractors, Subcontractors, Suppliers, and the Service Providers to the construction industry.

PROGRAMS

ASA programming is finalized through the end of 2017. Watch for upcoming opportunities to interact with General Contractor partners, including the September monthly meeting at L. Keeley Construction. If you have a suggestion regarding programming, please contact the ASA Program Committee Chairman, Chris O'Hagan with JD Kutter.

CONTRACT REVIEW

Keep in mind that ASA has endorsed the subcontract form No. 750 issued by ConsensusDocs. You should condition your bid on use of this subcontract. This form, as well as the AIA A-410 subcontract form, have recently been updated. While ASA endorses the ConsensusDocs form, either is preferable to most proprietary subcontracts prepared by general contractors.

If you have other questions regarding the contract review service, contact committee chair, Dick Stockenberg, Sandberg Phoenix, von Gontard at rstockenberg@sandbergphoenix.com.

SAFETY

The safety committee meets the first Thursday of the month at 4:00pm. The location is Fallons Bar & Grill 9200 Olive Blvd. Olivette, Mo. 63132. We are looking for more members. Please consider sending someone from your staff to join our committee. Remember Safety Pays! Due to everybody's busy schedule please call to confirm we are meeting that month. Call Mike Sicking at 314-486-3141 for info.



**ASA Midwest Council is on
Facebook, Twitter & LinkedIn**

2017 ASA CERTIFICATE OF EXCELLENCE IN ETHICS

ASA will honor selected firms that demonstrate the highest standards of internal and external integrity during an awards ceremony at the ASA annual convention, SUBExcel 2018, Feb. 28 – March 3, 2018, in Tempe, Arizona.

Online Resources:

- Watch the Video.
- Download the 2017 ASA Certificate of Excellence in Ethics Brochure.
- Download the 2017 ASA Certificate of Excellence in Ethics Application.
- ASA provides useful model documents to help with your submission and your ethics program. View the 2017 ASA Certificate of Excellence in Ethics Resource Guide.
- Download the 2017 ASA Certificate of Excellence in Ethics Timeline.
- ASA's Certificate of Excellence in Ethics Program Q&A LinkedIn Group—a forum for getting answers to your questions about the application process. This forum includes current recipients who have been through the application process and who are willing to help guide new applicants through their application process.
- Recipients of the '2016 ASA Excellence in Ethics Award' may re-apply for the 2017 ASA Certificate of Excellence in Ethics using the Re-Certification Form.



APPLICATION DEADLINE: **DECEMBER 15, 2017**



AMERICAN
SUBCONTRACTORS
ASSOCIATION

2017 ASA BEST PRACTICES AWARDS

ASA offers national recognition to prime contractors that are committed to superior business practices like prompt payment. ASA's annual "National Construction Best Practices Awards," developed by the *Task Force on Ethics in the Construction Industry*, recognize elite prime contractors that uphold best practices and refuse to do business according to the "lowest common denominator." The deadline for prime contractors to submit applications is Nov. 3, 2017. The application fee is \$495. Each prime-contractor applicant must supply three sealed business-practices recommendations from specialty trade contractors that have worked for it in the past year, along with a copy of its standard subcontract, with its application. ASA will honor recipients during an awards ceremony at the ASA annual convention, SUBExcel 2018, Feb. 28-March 3, 2018, in Tempe, Arizona.

Helpful Links:

- Watch the National Construction Best Practices Awards video.
- Prime contractors: Download the 2017 National Construction Best Practices Award application form.
- Specialty trade contractors: Download the 2017 National Construction Best Practices Award "Form for Evaluating the Applicant's Business Practices."



APPLICATION DEADLINE: **NOVEMBER 3, 2017**



AMERICAN
SUBCONTRACTORS
ASSOCIATION

OSHA Silica Rule Compliance Date Less than Two Months Away

Construction contractors with more than 10 employees have just two months to comply with OSHA's final rule regulating employee exposure to respirable crystalline silica. Under a rule issued by OSHA on March 25, 2016, construction employers must comply with all requirements of the standard by Sept. 23, 2017, except requirements for laboratory evaluation of exposure samples, which begin on June 23, 2018. The rule requires construction employers to limit worker exposure to silica and to take other steps to protect workers.

Crystalline silica is a common mineral found in many naturally occurring materials and used at construction sites. Inhaling very small crystalline silica particles can cause multiple diseases, including silicosis, lung cancer, chronic obstructive pulmonary disease and kidney disease. Respirable silica is generated by high-energy operations like cutting, sawing, grinding, drilling and crushing stone, rock, concrete, brick, block and mortar. Activities such as abrasive blasting with sand; sawing brick or concrete; sanding or drilling into concrete walls; grinding mortar; and cutting or crushing stone generate respirable dust.

Under the OSHA standard, construction employers can either use a control method, as laid out in Table 1 of the standard, or they can measure workers' exposure to silica and independently decide which dust controls work best to limit exposures to the permissible exposure limit in their workplaces.

Regardless of which exposure control method is used, all construction employers covered by the standard are required to:

- Reduce the permissible exposure limit for respirable silica to 50 micrograms per cubic meter of air, averaged over an eight-hour shift.
- Use engineering controls, such as water or ventilation, to limit worker exposure to the PEL.
- Provide respirators when engineering controls cannot adequately limit exposure.
- Establish and implement a written exposure control plan that identifies tasks that involve exposure and methods used to protect workers, including procedures to restrict access to work areas where high exposures may occur.
- Designate a competent person to implement the written exposure control plan.
- Restrict housekeeping practices that expose workers to silica where feasible alternatives are available.
- Offer medical exams, including chest X-rays and lung function tests, every three years for workers who are required by the standard to wear a respirator for 30 or more days per year.
- Train workers on work operations that result in silica exposure and ways to limit exposure.
- Keep records of workers' silica exposure and medical exams.

ASA, in collaboration with 22 other construction associations, has initiated a lawsuit to prevent OSHA from implementing its rule. In addition, ASA, as part of the Construction Industry Safety Coalition, has filed a petition with OSHA requesting the agency to stay and reopen the rulemaking.

In the meantime, ASA urges construction employers to take steps to be in compliance by the OSHA deadline. For more information, see the ASA Fact Sheet on OSHA's Rule on Respirable Crystalline Silica, the ASA Frequently Asked Questions on the OSHA Standard on Respirable Crystalline Silica, and the free ASA video-on-demand, "OSHA Silica Rule—Applications for Subcontractors" (Item #8101), presented by Gary Visscher, Esq., Law Office of Adele L. Abrams, P.C.



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- Classified Ads \$15 Per Issue

ASSOCIATION PARTNERSHIP

Mason Contractors Assoc. (MCA)

Contact David Gillick

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ASA Midwest Council Golf Tournament

Monday, October 2, 2017
Whitmoor Country Club • 11:30 a.m. Tee Time
Reservations Required



