

JANUARY 2017

JANUARY

January 5

**Tom Owens Scholarship
Cigar Fundraiser**
Atomic Cowboy

January 11

BPI in a Box Luncheon
Syberg's on Dorsett

January 11

**Seal the Deal
Sales Training**
Syberg's on Dorsett

January 25

Meet the GC's Expo
St. Charles Convention Ctr

FEBRUARY

February 15

**Monthly Meeting
LUNCH MEETING**
Syberg's on Dorsett

MARCH

March 8

**Monthly Meeting
DINNER MEETING**
Syberg's on Dorsett

APRIL

April 1

**The Glitter & Gold
Awards Gala**
The Four Seasons

visit

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

Let me begin by saying Happy New Year! I hope everyone had a fantastic holiday season, and enjoyed time with friends and family.

2016 ended with a lot of generals and subs talking about how much work everyone has on their plates. It is a great problem to have these days. The ASA Midwest Council has many outstanding opportunities to meet with St. Louis area general contractors, and fellow subcontractors this year, which I hope you will take full advantage of as an ASA member.

Our 15th Annual Meet the GC's EXPO is set for January 25th, at the St. Charles Convention Center. Did you know as an ASA member, you get early access from 3:00 to 4:30 p.m.? What a great way to meet face to face with over 30 STL General Contractors, and their multiple representatives. This is a must attend event every year, and a great way to kick off the new year. Members pay a reduced rate of \$65, and nonmembers pay the full \$95 registration. This fee includes a hosted bar and appetizers, so come and mix and mingle with old and new contacts alike on January 25th. As always visit www.asamidwest.com to register, as you must register in advance by January 18th.

SAVE THE DATE.... April 1st is our 24th annual awards gala, The Glitter & Gold Awards Gala will celebrate 50 years of ASA setting the gold standard in construction. The premier event will be at the Four Seasons Hotel in downtown St. Louis. Stay tuned for the nominee announcements this month!

2017 marks our chapter's 50th anniversary. Quite an accomplishment, so we will celebrate throughout the year. ASA MWC will host a celebration to mark the big anniversary at the end of the year, with details coming soon.

Please let me know if you have any ideas of ways ASA can help you in your business. I hope that 2017 is filled with prosperity for the St. Louis construction community, and all our ASA MWC member companies. Happy New Year!

Sincerely,

Amy Heeger
AME Constructors
amyh@ameconstructors.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.

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)*

Most committees meet every 4 weeks, contact a committee chair today, to join a committee!



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CONTACT:

David Kedney
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(312) 636-4234

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JANUARY 2017
MEET THE GC'S EXPO
St Charles Convention Center
Wednesday, January 25, 2017
3:00 to 7:00 p.m.

Reminder: *The Expo replaces the typical monthly membership meeting in January 2017, so join us at the St. Charles Convention Center!*

EARLY MEMBER ONLY ACCESS

3:00 to 4:30 p.m.

Reduced Member Rate is only \$65

Non Member Rate is \$95

ALL REGISTERED ATTENDEES WELCOME

4:30 to 7:00 p.m.

KICK OFF 2017 WITH THE ASA MIDWEST COUNCIL AND STL PREMIER GC'S.

The 15h Annual ASA Meet the GC's Expo promises to be one of the best ever, don't miss it!

Mix and mingle with multiple representatives from all of the premier STL GC'S, at this must attend construction industry event!

Visit www.asamidwest.com for a full list of all exhibitors scheduled to be in attendance on January 25th 2017, at the St. Charles Convention Center.

Must register in advance by January 18th, and remember to use the **members only promo code (ASA2017) to receive \$30 discount off the \$95 registration!!** *Registration includes hosted bar for 3 hours and appetizers for a portion of the evening.*

(No shows not cancelled by 1.18.17 will be billed per ASA Midwest Council's event cancellation policy.)



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

FEBRUARY 2017
MONTHLY MEETING
MEMBER LUNCH MEETING
Syberg's on Dorsett
Wednesday, February 15, 2017

Please join the ASA Midwest Council on Wednesday, **February 15th** for the Monthly Membership **LUNCH** Meeting.

Syberg's on Dorsett:

11:30 a.m. to 1:00 p.m.

Our program will feature representatives from **The U.S. Army Corps of Engineers**, who will provide an update on the NGA project. The estimated \$1.75 billion **National Geospatial-Intelligence Agency's** western headquarters will be located in North St. Louis City. Information will include a status update on the project, upcoming opportunities for the subcontractor community, including MBE requirements, and scope of work. Join us for lunch and presentation, followed by Q & A. time with presenters.

MEETING AGENDA:

11:30-Noon.-Networking

11:30 to Noon BPI (Business Practice Interchange-subcontractor/supplier members only.)

12:10 LUNCH

12:30-1:00 p.m. Program: NGA

BPI Companies: BSI, Contegra, HBD, Holland Construction, McCarthy Building Co.'s, Opus, Plocker.

Invite a non member guest to this meeting as it is one of the best ways to introduce non members to all the benefits of ASA!.

First time non member guests are FREE, but must be registered in advance with the ASA office. susan@asamidwest.com

\$25includes lunch & program.

Register online-www.asamidwest.com by Friday, February 10, 2017

Attendees not cancelled by 2.10.17 will be charged per ASA cancellation policy.

Repeal Prevails on Prevailing Wage (sometimes)

Richard A. Stockenberg
rstockenberg@sandbergphoenix.com

SANDBERG PHOENIX
& VON GONTARD P.C.

Most states, including Missouri and Illinois, but not Kansas, have some form of prevailing wage law on the books. These statutes are commonly referred to as “Mini-Davis Bacon Acts” because they, to varying degrees, are patterned after the federal law enacted in 1931 mandating the payment of the prevailing wages for the locale on public works construction projects. 40 U.S.C. Section 3141 et. seq. While the Kansas prevailing wage statute is the oldest in the country dating back to the late 1800s, it was repealed in 1987.

Recent attempts to repeal the Missouri statute, Section 290.210 RSMo. et. seq., have failed. For an excellent article on successes and failures in repealing or limiting prevailing wage statutes in other states, refer to the Summer 2016 issue of the American Bar Association’s journal, *“The Construction Lawyer.”* In this article, attorneys Ryan R. Zimmerman of Milwaukee, Wisconsin, and Asha A. Echeverria of Portland, Maine, discuss recent successes to repeal statutes in Indiana and West Virginia and the defeats in Kentucky and Michigan. To prove that compromise is the art of legislation, Wisconsin did not repeal, but limited the scope of its law. (The authors’ end notes provide excellent resource materials to gain a fuller understanding.) Each state’s recent action is briefly summarized below.

INDIANA. In 2015, Indiana’s governor signed legislation prohibiting local governmental units from usurping the law by prohibiting agencies from requiring “a wage scale or wage schedule for a public works contract awarded by the public agency.”

WEST VIRGINIA. In 2016, the Republican legislature passed and the Democrat governor vetoed a bill to repeal West Virginia’s prevailing wage law for public construction projects. Both houses of the West Virginia legislature promptly overrode the governor’s veto. As part of that process they also overrode a veto of legislation making West Virginia a right to work state.

WISCONSIN. In Wisconsin the prevailing wage law was not repealed in its entirety but, its applicability is limited to public works projects of the state or state agencies effectively repealing it as to local governmental units.

KENTUCKY. Efforts in Kentucky to partially repeal that state’s prevailing wage statute dating back to 1940 were unsuccessful. The senate passed a bill eliminating the requirement of paying prevailing wages on school projects, but the bill died in committee in the House.

MICHIGAN. The effort to repeal Michigan’s prevailing wage statute went down a path much less traveled. A private effort to acquire the requisite number of signatures for a citizen initiative proposal to repeal the law failed because it lacked the requisite number of signatures.

The 2017 Missouri legislative session promises to be filled with efforts to modify and repeal Missouri’s prevailing wage and right to work statutes. Currently there are pending bills that would (1) repeal the prevailing wage statute; (2) restrict use of requiring prevailing wage on projects for a housing tax credit if it is in a governor-declared disaster area; (3) allow public bodies to opt out of prevailing wage on projects under \$750,000; (4) exempt construction and maintenance work done for certain school districts from prevailing wage requirements; (5) specify that a person cannot be required to become or refrain from becoming a member of or paying dues to a labor organization as a condition of employment.

Remembering that last year’s General Assembly passed legislation on this subject only to have it vetoed by Governor Nixon, it is likely the 2017 General Assembly will pass some form of legislation on both of these subjects with the possible/probable signing by Missouri’s new governor, Eric Greitens.



The Tom Owens Memorial Scholarship is a 501(c)(3) non-profit organization that provides financial assistance to qualified candidates who are part-time or full-time students who attend or will be attending accredited junior college, college, university or post-graduate institutions. Please consider making a tax deductible donation to the Tom Owens Memorial Scholarship Fund to further our cause today.

Scholarship Applications are due January 31st, 2017

Visit www.asatomsf.com for additional information

*For additional information about the Scholarship Fund contact
Chris O'Hagan, J D Kutter Insurance -chris@jdkutter.com*

THANK YOU

to the MEMBER COMPANIES that attended the DECEMBER monthly meeting:

Affton Fabricating & Welding	ELCO Chevrolet	Hoette Concrete Construc.	PayneCrest Electric
AME Constructors	Enterprise Bank & Trust	Hunt Vac Services	Precision Analysis
American Steel Fabrication	Envirotech	ideas4promos	Rental Supply
Bazan Painting Co.	Event Productions	Irwin Products	Rock Hill Mechanical
Bi-State Utilities	Fabick Rents	J.D. Kutter Insurance	RubinBrown
Briner Electric Co.	Freeman Contracting	J.W. Terrill	Schmersahl Treloar & Co.
CNA Surety	Gateway Land Services	Liberty Mutual Surety	Seal the Deal Too
Commercial Fabrication	George McDonnell & Sons	Luby Equipment Services	SFW Partners LLC
	Hayden Wrecking Corp.	Nu Way Concrete Forms	UHY LLP
		Parkway Construction Svcs	United Rentals

2017 ASA Midwest Council Meetings & Events



- | | |
|--------------------|---|
| January 5 | Tom Owens Scholarship Cigar Fundraiser
<i>Atomic Cowboy in the Grove</i> |
| January 11 | BPI in a Box Luncheon
<i>Syberg's on Dorsett</i> |
| January 11 | Seal the Deal Sales Training
<i>Syberg's on Dorsett</i> |
| January 25 | 15th Annual Meet the GC's Expo
<i>St. Charles Convention Center</i> |
| February 15 | Monthly Membership LUNCH Meeting
<i>Syberg's on Dorsett</i> |
| March 8 | Monthly Membership DINNER Meeting
<i>Syberg's on Dorsett</i> |
| April 1 | The Glitter & Gold Awards Gala
<i>The Four Seasons Hotel St. Louis</i> |
| April 19 | <i>Monthly Membership Meeting</i> |
| May 24 | ASA Construction Showcase & BBQ
<i>Queeny Park</i> |

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

THE ASA MIDWEST COUNCIL'S 24th ANNUAL AWARDS GALA

The Glitter & Gold Gala

Celebrating 50 Years of Setting the Gold Standard in Construction



THE FOUR SEASONS HOTEL ST. LOUIS
SATURDAY, APRIL 1st 2017

The ASA Midwest Council will honor the best of the best, in the construction industry, at our 24th annual Awards Gala, April 1, 2017!

We need your help ASA members!!

Help us recognize those firms that support and foster strong partnerships. Voting Ballots will be mailed to all ASA Members in January-so please watch your mail and email for voting updates!

Ballots are due February 20, 2017.

Submit ballots to Mr. Mark O'Donnell, Schmersahl Treloar & Co.
modonnell@stcpa.com or by fax: 314.966.6464

SAFETY AWARD APPLICATIONS AVAILABLE AND DUE FEBRUARY 20th

MEET THE GC'S EXPO

Hosted by the American Subcontractors Association - Midwest Council

Wednesday, January 25, 2017 • St. Charles Convention Center



Advance reservations required. Visit asamidwest.com to register.

For more information, (314) 845-0855 or susan@asamidwest.com.

KICK OFF THE NEW YEAR WITH THE ASA MIDWEST COUNCIL!

**JOIN THE ASA MIDWEST COUNCIL AND THE PREMIER ST. LOUIS GC'S
FOR THE 15TH ANNUAL MEET THE GC'S EXPO**

JANUARY 25, 2017
ST. CHARLES CONVENTION CENTER

MEMBER DISCOUNT CODE FOR REGISTRATION IS ASA2016

Jefferson City is a busy place again, as transition teams for newly elected officials are ramping up, and legislators are pre-filing bills for the upcoming session.

As expected, Right to Work legislation has been pre-filed in both the House of Representatives and the Senate, and legislative leaders have promised it will likely be the first course of business once session begins. Governor-elect Greitens has also made mention that this is a priority item for him. We expect quick action on the bill, and it will probably land on the Governor's desk by early February for his approval. Most legislators that are opposed to the measure have already signaled that the bill will pass, as they are very few in number.

Also on our radar is legislation dealing with Prevailing Wage laws. Numerous bills have already been filed, some allowing public bodies to opt out of prevailing wage requirements on projects that are \$750,000 or less, some which allow for school districts to be exempt from prevailing wage requirements, and others that allow for "maintenance projects" to be exempt from prevailing wage. There has been little talk from House and Senate leadership regarding these bills, nor has the Greitens administration given any clues as to their position. Last session saw very similar bills filed in both chambers, but none of the bills gained any traction throughout the course of the year.

Another bill of interest is House Bill 155, which establishes the Interstate 70 Public-Private Partnership Act. The legislation is sponsored by Representative Kevin Corlew of Kansas City. The measure allows for a public-private partnership to finance, develop and operate a reconstruction of I-70, to be paid for by user fees, which could include tolls. We also anticipate Senator Doug Libla to once again file his fuel tax increase bill, with revenues earmarked for highway construction and maintenance. We do however, expect both bills to face an uphill battle, given the resistance in the past to any type of tax increase or toll authorization.

Finally, all eyes are on Governor-elect Greitens as we wait for announcements of top level cabinet members. Members of his team are in the Capitol daily, meeting with the current administration to ensure an orderly transition and we expect him to name his staff very soon.

Upcoming dates of interest include January 4th, which marks the first day of the legislative session, and January 9th, which is Inauguration Day and the beginning of a new administration in the Capitol. Please watch for our weekly legislative reports to begin again in January. We expect a slower start this session, with little to no legislative action the first couple of weeks of the legislative session. Nikki R. Strong, Strong Consulting Group, LLC

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
Automatic Controls Equipment Systems
Bangert Computer Systems
Bazan Painting Company
BDO USA
Bell Electrical Contractors
Benson Electric Company
Bick Group
Bi-State Fire Protection Corp.
Bi-State Utilities Company
Bloomsdale Excavating Co.
Blue Line Rental
Briner Electric
Building Point Mid-America
Bumpy's Steel Erection LLC
C. E. Jarrell Contracting
CK Power
CMIT Solutions
CNA Surety
Car-Doc Automotive
Cardinal Environmental Operations
Cee Kay Supply
CliftonLarsonAllen, LLP
Collins & Hermann
Commercial Fabrication
Convergent Technologies
Corrigan Company
Cummins Sales and Service
Deep Foundations, LLC
Doll Services and Engineering
Drilling Service Company
Duct Systems
Dynamic Controls, Inc.
ELCO Chevrolet Cadillac
Enterprise Bank & Trust
Envirotech, Inc.
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.
Haberberger, Inc.
Hanenkamp Electric
Hayden Wrecking
Heitkamp Masonry
Helitech Civil Construction Division
Hoette Concrete
Hunt Vac Services
Ideas4Promos
Integrated Facility Services
IronPlanet
Irwin Products
J.D. Kutter Insurance
J.F. Electric
JJ Construction Services, LLC
J.W. Bommarito Construction Co.
J.W. Terrill
John J. Smith Masonry
Johnny on the Spot at Republic Services
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.
Mays-Maune-McWard, Inc.
Merric
Meyer Painting Co.
Midwest Elevator
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.
Professional Installers
Professional Metal Works, LLC
Priority Xpress Couriers LLC
QualSafe Solutions
RAI Insurance Group
R.F. Meeh Co.
RGR Equipment LLC
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
Stylemaster Apparel, Inc.
Sunbelt Rentals
Swanson Masonry, Inc.
T.J. Wies Contracting
Taylor Excavating
Trojan Iron Works, Inc.
TROCO Custom Fabrication
UHY LLP
United Rentals
Vee-Jay Cement Contracting
Vinson Mortgage
Westport Pools
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

Help ASA Midwest Council continue to grow in 2017! 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

We are always looking for new members for the Programs Committee. If you are interested in participating in the ASA Programs Committee, or have a suggestion regarding programming, please contact Chris O'Hagan, J.D. Kutter Insurance, ASA Program Committee Chairman.

CONTRACT REVIEW

The committee has recently completed its review of the subcontract used by Burns & McDonnell. For a copy of the review, contact Susan Winkelmann, susan@asamidwest.com

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 3:30PM. The location is variable depending on attendance. We are looking for more members. Please consider sending someone from your staff to join our committee. Remember Safety Pays! Call Mike Sicking at 314-486-3141 for information about the ASA Safety Committee.



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

Bring Your Spouse with You to SUBExcel 2017 This March in Denver

ASA invites you to “Bring Your Spouse” with you to SUBExcel 2017, which will take place March 15-18, 2017, in Denver. ASA has planned two special outings just for spouses—a tour of Boulder and a tour of the Denver Performing Arts Complex (tickets sold separately):

Best of Boulder Tour

1:30 p.m.-4:30 p.m.

Thursday, March 16, 2017

Boulder is a dynamic university community, nestled near the base of the scenic Flatiron Mountains—offering breathtaking views. Your tour takes you to the famous Celestial Seasonings facility to see, taste, and smell the world of teas. Guests learn how the company grew from its “cottage industry” roots to become the largest U.S. herbal tea manufacturer. There is an informative tour and a delightful gift shop with “Tea” shirts, whimsical gifts with the famous “Sleepy-Time Bear” and a variety of tea accouterments. We then visit the famous Pearl Street Mall—an outdoor mall with very unique character! The Mall is home to a wide variety of fascinating shops and delicious dining. It is easy to see why Pearl Street was selected as a recipient of HUD’s award for Urban Renewal Design and why it is the nation’s most successful outdoor mall. Guests will be given time for lunch on their own on the Mall before we drive through the University of Colorado’s expansive campus to see beautiful historical buildings and gorgeous landscaping on the way back to Denver. Tickets: \$60/each.

Behind the Velvet Curtain

1:30 p.m.-5:00 p.m.

Friday, March 17, 2017

The Denver Performing Arts Complex is the largest theatre complex of its kind in the world. The Complex is composed of 10 individual performance spaces, including Boettcher Concert Hall, Temple Hoyne Buell Theatre, the Helen G. Bonfils Theatre Complex and the Ellie Caulkins Opera House, which play host to Colorado Ballet, Colorado Symphony Orchestra and Opera Colorado, among others. The largest tenant of the Complex is Denver Center for the Performing Arts, a showcase for live theatre, a nurturing ground for new plays and a preferred stop on the Broadway touring circuit. It also hosts an award-winning multimedia production facility, a national training school for actors and is the site of a voice clinic and research facility. Guests will have the unique opportunity to tour a selection of these facilities and gain access to the behind-the-scenes areas of these performance spaces. They’ll see trap doors, catwalks and dressing rooms as well as DCPA’s 88,000 square foot production facility which houses sets, props and costumes from past productions. Tickets: \$40/each.

If your spouse is interested in participating in any of the education sessions and workshops, meetings, and social functions, including the Reception, Banquet and Awards Ceremony on Saturday, March 18, ASA offers special registration pricing for spouses—\$495 by Feb. 13 or \$595 after Feb. 13. This registration fee does not include the outings—tickets are sold separately. In lieu of full registration, tickets to the Reception, Banquet and Awards Ceremony can be purchased for spouses separately for \$180. Register online and make your hotel reservations to stay in the ASA room block at the Denver Marriott City Center. For the complete schedule, keynote speaker and presenter bios, and more, visit www.subexcel.com.

ASA General Counsel Warns Against 10 Payment Myths

“Many in the construction industry fall prey to payment myths and encounter collection problems as a result,” according to Donald Gregory, a partner in the Columbus, Ohio, law firm of Kegler, Brown, Hill and Ritter, ASA’s general counsel.

The 10 myths cited by Gregory are:

1. *Don’t worry about it, we can always lien.* Just filing a lien does not convert an unpaid receivable into cash. There must be equity in a property to collect.
2. *We don’t care about anyone on the project other than the customer.* If your customer is not getting paid, chances are you will not be paid timely either. You need to increase your visibility on the project (such as with a Notice of Furnishing) and be unafraid to inquire about the status of payment.
3. *We’ll worry about payment terms after we get the job.* Your leverage decreases once you have priced the work and are committed to the project. Insist on favorable payment terms upfront as you are pricing your risk and conditioning your bid.
4. *Don’t rock the boat until the job is done.* Too many are afraid of making waves as issues arise during the job and miss critical deadlines for notice and action. Key leverage is lost and a hidden claim or extra that emerges at the end of the job never goes over well.
5. *It’s a bonded job, so no worries.* While it is good that a bond is in place to secure payment, bonding companies are not known for moving quickly.
6. *Don’t offend the customer by asking for a personal guarantee.* It is hard to get paid from an uncollectable legal entity. Insisting on a personal guarantee when credit is marginal makes sense.
7. *There is no real difference between “pay when paid” and “pay if paid,” is there?* Absolutely there is. “Pay when paid” simply shifts the timing of payment, but you will still be paid within a reasonable period of time. “Pay if paid” deprives you of any entitlement to be paid—even if your work is done well.
8. *Waiving lien rights without consideration is unenforceable, right?* Contrary to popular belief, many states permit upfront waivers of lien rights by contract, even without payment.
9. *A bad contract is better than no contract at all.* Written contracts often limit your rights. Sometimes an oral contract is better for the entity doing the work.
10. *Let’s wait as long as possible before we have to incur legal fees.* Often an “ounce of prevention is worth a pound of cure.” If you wait too long before involving your lawyer, important rights can be lost and the dispute may become more expensive in the long run.

If you avoid these payment myths, you will be in a much better situation to be timely paid for your work,” Gregory said.

DOT Issues Minimum Training Standards for New CDLs

On Dec. 8, the U.S. Department of Transportation's Federal Motor Carrier Safety Administration announced a final rule establishing comprehensive national minimum training standards for entry-level commercial truck and bus operators seeking to obtain a commercial driver's license or certain endorsements.

The standards established in the new rule address the knowledge and skills necessary for the safe operation of commercial motor vehicles and also establish minimum qualifications for entities and individuals who provide entry-level driver training. The rulemaking was mandated by Congress in the Moving Ahead for Progress in the 21st Century Act (MAP-21).

Under the new rule, applicants seeking a CDL would be required to demonstrate proficiency in knowledge training and behind-the-wheel training on a driving range and on a public road, with training obtained from an instructional program that meets FMCSA standards. There is no required minimum number of hours for the knowledge or behind-the-wheel portions of any of the individual training curricula, but training providers must determine that each CDL applicant demonstrates proficiency in all required elements of the training in order to successfully complete the program.

Mandatory, comprehensive training in all 50 states, the District of Columbia, and all U.S. territories would apply to the following individuals under the rule:

- ♦ First-time CDL applicants, including "Class A" CDLs and "Class B" CDLs.
- ♦ Current CDL holders seeking a license upgrade (e.g., a Class B CDL holder seeking a Class A CDL) or an additional endorsement necessary to transport hazardous materials, or to operate a motor coach or school bus.

FMCSA anticipates that many entities currently providing entry-level driver training, including motor carriers, school districts, independent training schools, and individuals will be eligible to provide training that complies with the new requirements. Drivers who are not subject to or are excepted or exempted from federal CDL requirements are not subject to the rule (e.g., military drivers, farmers, and firefighters). The new rule goes into effect on Feb. 6, 2017, with a compliance date of February 2020.



MIDWEST COUNCIL

Building. Community. For 50 Years.

SPONSOR AN UPCOMING MEETING
ONLY \$250-CONTACT SUSAN@ASAMIDWEST.COM FOR INFO.

Cummins Sales and Service
Hunt Vac Services
P. M. Leach Painting Co.
QualSafe Solutions

Help ASA Midwest Council continue to grow, by inviting someone who would benefit from ASA membership, to join us at the next monthly meeting.

All first time non member guests are free of charge.

Please register your guest in advance by contacting susan@asamidwest.com



ASA Meeting Sponsorship

Highlight your company at an
ASA Monthly Meeting

It is only **\$250** to be a meeting sponsor.

What do you get for \$250?

Full Color Sponsor Flyer
Slide in Meeting Presentation.
Microphone time to present company
overview to meeting attendees!
Announcement at Meeting.
Recognition in Newsletter.

Contact Susan Winkelmann

susan@asamidwest.com

314 845-0855

Sponsorship Rates

Sponsorship opportunities are available in the ASA newsletter. Rates are very reasonable but are limited. Below are the rates. If interested, please call Susan at 314 845-0855.

- | | |
|---------------------------|-----------------|
| • Website Rotating | \$400/Year |
| • Website Static | \$1,000/Year |
| • 1/4 Page Monthly | \$300/Year |
| • 1/4 Page Quarterly | \$125/Year |
| • 1/2 Page Monthly | \$500/Year |
| • 1/2 Page Quarterly | \$225/Year |
| • Business Card Monthly | \$125/Year |
| • Business Card Quarterly | \$70/Year |
| • Whole Page 1X | \$300 Per Issue |
| • Whole Page Quarterly | \$900/Year |
| • Classified Ads | \$15 Per Issue |

ASSOCIATION PARTNERSHIPS:

Mason Contractors Assoc. (MCA)
Contact David Gillick
(314) 645-1966

www.masonrystlouis.com



American Society of Professional Estimators (ASPE)

Contact Mindy Funk or
Cyndi Walker

(314) 596-7695 or
(314) 781-1422

www.stlouis-aspe.org



REGISTRATION
CLOSES January 18th!

ASA MIDWEST COUNCIL'S 15th Annual MEET THE GC'S EXPO

Wednesday, January 25th 2017

**3:00-4:30 p.m. MEMBERS
ONLY**

**4:30-7:00 p.m. ALL REGISTERED
ATTENDEES WELCOME**

St. Charles Convention Center



MIDWEST COUNCIL

Building. Community. For 50 Years.

