

OCTOBER

October 6

ASA Golf Tournament
Whitmoor Country Club

October 14

Contract Seminar
*Sandberg Phoenix &
von Gontard*

October 15

Monthly Business
LUNCH MEETING
Syberg's on Dorsett

NOVEMBER

November 12

Contract Seminar
*Sandberg, Phoenix &
von Gontard*

November 19

Monthly Business
DINNER MEETING
Soccer Park-Fenton

DECEMBER

December 3

BPI in a Box
Syberg's on Dorsett

December 9

Contract Seminar
*Sandberg, Phoenix &
von Gontard*

December 17

Casino Night Holiday Party
Syberg's on Dorsett

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

OCTOBER 2014

The future of ASA

On October 11th the Board of Directors, Officers, past Presidents, and others will take part in our strategic planning retreat. To ensure our success we need your help.

The board and officers serve you, our members. We are here to guide the organization, with the ultimate goal of providing our members the opportunity for growth and success. We have a great deal of momentum! Our events are second to none and if the last few meetings are any indication, our programs are in line with what our members want and need. Our affinity programs offer exclusive discounts to our member firms and their employees that far exceed the monthly cost of membership. We have had great success legislatively, which has had a dramatic positive impact on the subcontracting community as a whole. I could fill pages with all that we should be proud of.

Having that said, we can do more. We can and will evolve to become better. We need your input as to what the organization can do to further reach your goals.

What would you like to see more of? What would you like to see less of? How important is growth within the organization and the opportunities of access to new members? Do you want more education? It's important for us to know how the rebounding construction market may affect your involvement. Do you see yourself having less time? Would you like to see additional programs during the day? If so, what kind? What can ASA Midwest Council do for you?

These are just a few ideas to get you started. Please do not hesitate to reach out to myself or Susan with your thoughts, concerns, suggestions, and ideas. I am excited to hear what we can do to become better, to solidify our position as THE face of subcontracting in the Midwest.

Sincerely,

Robert Trask
Parkway Construction Services
rtrask@parkwaycs.com
President, ASA Midwest Council
Building. Community.



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

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

NOTE: OCTOBER 15th IS A LUNCH MEETING
11:30 a.m. to 1:00 p.m.

Join a committee today.

Membership

(Jennifer Tichacek/Jodi Waeltermann)

Programs *(Tom Woodcock)*

Golf *(Jennifer Church)*

Advocacy *(Tim Thomas)*

Awards Gala

(Molly Spowal /Rick Swanson)

Construction Showcase & BBQ

(Kevin Douglas/Rick Williams)

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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OCTOBER 2014
MONTHLY LUNCH MEETING
SYBERG'S ON DORSETT
Wednesday, October 15, 2014

Please join us *Wednesday, October 15th Syberg's on Dorsett, for our **FIRST LUNCH MONTHLY MEETING at 11:30 a.m., for ASA's special Speaker Series Event.***

ASA welcomes 3 representatives from local St. Louis firms to our Speaker Series. This month we feature an architect's panel of experts. **NOTE THIS IS A LUNCH MEETING BEGINNING AT 11:30 a.m., concluding at 1:00 p.m. on Wednesday, October 15th.**

Our speakers are Traci O'Bryan, president of Arcturis, Steve Smith, president of the Lawrence Group and Lauren Smith, BIM Specialist with S.M. Wilson & Co. All 3 speakers have a wealth of experience to share with ASA Midwest Council.

Why Should you Attend?

- √ Find out the perceived role of the subcontractor according to the architect.
- √ Learn how to become more engaged with the architect on the front end of project design.
- √ Why is the ability to utilize BIM a true advantage for the subcontractor, from the architect's perspective?
- √ How to avoid those potential issues subcontractors sometimes create for the architect.
- √ Gain insight into the architect's view of value engineering.
- √ Overview of upcoming Projects for the next 24 months.

Registration is \$25 and includes networking, **lunch** & programming. Invite a non member guest to this lunch meeting. First time non member guests are **FREE, but should be registered in advance with the ASA office.** **susan@asamidwest.com or 314.845.0855**

There will be no BPI this month, but join us in December for our 2nd BPI in a Box on December 3, 2014-details coming soon.

Register online-www.asamidwest.com by Friday, October 10, 2014.

No shows not cancelled by 10.10.14 will be billed.

*Grease the Payment Process by
Avoiding Killer Contract Clauses*

ASA & its
Chapter Attorneys
Sandberg Phoenix & von Gontard

Present a
Series of Breakfast Seminars

*7:30-8:00 a.m. Breakfast/Networking
8:00-9:30 a.m. Seminar*

- | | |
|--------|---|
| Oct 14 | Payment Clauses, Retainage, Final Payment |
| Nov 12 | Lien Rights & Lien Waivers |
| Dec 9 | Change Orders & Back Charges |
| Jan 13 | Damages, Releases & Waivers of Rights. Termination, Arbitration, Labor Clauses. |

All session will be held at the offices of Sandberg, Phoenix & von Gontard-600 Washington Ave, 13th Fl. St. Louis, MO 63101

FREE PARKING & Continental Breakfast included.

**\$40 per session/\$160 series ASA Member
\$60 per session/\$240 series Non Member**

Visit www.asamidwest.com to register today.

If you register for the series and can not make all the sessions, you may substitute an attendee from your company for that session.



A Big Finish for 2014

Mark J. O'Donnell, CPA
Sikich, LLP

Plan a big finish for 2014.

There are about 90 days left in 2014. Why not plan to have a big finish for the year? Apply your tenacity with a sense of urgency to a set of important plans for the balance of this year and next year. After all, it won't go as planned if you don't have a plan. Consider these thoughts as a start of your 90 day "plan to plan";

October's goal –

Draft the strategic plan for 2015. Not every company does one of these, but every one should. It does not need to be a weekend retreat; however it should be more formal than a few scribbled notes resembling a to-do list. The most basic elements are plans for marketing and sales, operations and finance. It takes time to get it right. October is a good month for developing the first draft as it does not have holiday obligations like November and December. In addition, with an early start you can set a date in mid November to revisit the plan, and a date in late December to finalize it.

November's goals –

1. Set a process in place to clean up your balance sheet before December 31. December 31 is the one day that everyone will examine your company's financial position and it's critical that it is positive. Making changes takes time and an early start will increase your ability to 'look good'.

2. Review your key legal documents with your advisors e.g. shareholders agreement, employee contracts, retirement plan, will and trusts, etc. Often after these are originally drafted they are not revisited for years. Although they do not necessarily need to be updated, recognize since they were drafted, your life, your company and the law may have changed and the documents may not be up to date.

December's goal –

Tax planning, of course. My recommendation is to start as early as possible. Your tax professionals become increasingly busy as December progresses and as a result the amount of time they can devote to any one company decreases. As the rush of the last few days and the holidays put pressure on us, the tendency is to 'do it like last year'. From year to year the tax plan is always similar but rarely the same.

Clearly you and your company are unique. The details of the planning processes are based on your particular objectives, opportunities and threats. Use the last 90 days well and finish 2014 strong!



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.

Visit www.asatomsf.com for details.

FUNDRAISING EVENTS:

Cigar Night @ the Ritz-January 8, 2015

Trivia Night-February 28, 2015

For additional information contact Chris O'Hagan
J D Kutter Insurance Associates
chris@jdkutter.com

THANK YOU

to the companies that attended the September Monthly Meeting:

<i>ABF Security</i>	<i>Enterprise Bank & Trust</i>	<i>Lawrence Fabric &</i>	<i>RubinBrown LLP</i>
<i>AME Constructors</i>	<i>Event Productions Inc.</i>	<i>Metal Structures</i>	<i>Sachs Electric Co.</i>
<i>American Steel Fabrication</i>	<i>Fabick Rents</i>	<i>McCarthy, Leonard &</i>	<i>Sandberg Phoenix &</i>
<i>Aschinger Electric</i>	<i>Ferguson Facilities Supply</i>	<i>Kaemmerer</i>	<i>von Gontard</i>
<i>Bazan Painting Co</i>	<i>Firestone Complete Auto</i>	<i>Meyer Painting Company</i>	<i>Schaeffer Electric</i>
<i>Bi State Utilities</i>	<i>Foreman Fabricators</i>	<i>Midwest Service Group</i>	<i>SD Smith Financial</i>
<i>Bommarito Ford</i>	<i>Foundation Supportworks by</i>	<i>Montgomery Bank</i>	<i>Seal the Deal</i>
<i>Briner Electric</i>	<i>Woods</i>	<i>Negwer Materials</i>	<i>Seiler Instrument</i>
<i>Cam Dex Security</i>	<i>Freeman Contracting</i>	<i>Niehaus Construction Svcs</i>	<i>Sikich LLP</i>
<i>CeeKay Supply</i>	<i>George McDonnell & Sons</i>	<i>Nigel's Flooring</i>	<i>Stone Carlie</i>
<i>CMIT Solutions</i>	<i>Irwin Products</i>	<i>Pac-Van, Inc.</i>	<i>T. J. Wies Contracting</i>
<i>Corrigan Company</i>	<i>K & K Supply</i>	<i>Parkway Construction Svcs</i>	<i>Trojan Iron Works</i>
<i>D&J Glass & Sign</i>	<i>Knapheide Truck Equipment</i>	<i>Pipe Systems</i>	<i>UHY LLP</i>
<i>ELCO Chevrolet Cadillac</i>	<i>Lizmark</i>	<i>Pirtek Fenton</i>	<i>United Rentals</i>



Building. Community.

Please join us for the 27th Annual

ASA Midwest Council Golf Tournament

Monday, October 6, 2014 • Whitmoor Country Club • 11:30 a.m. Tee Time
Reservations Required

All-inclusive registration:

Golf gift • Course Games • Lunch Buffet • Cocktail Hour • Steak Dinner • Live & Silent Auctions



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



VISIT WWW.ASAMIDWEST.COM FOR A LIST OF ALL THE
SPONSORSHIP OPPORTUNITIES AVAILABLE IN 2014

Upcoming ASA Midwest Council Meetings & Events

- October 6 ASA 27th Annual Golf Tournament
Whitmoor Country Club
- October 14 Contract Clause Seminar
Sandberg, Phoenix & von Gontard
- October 15 Monthly Membership Meeting-**LUNCH MEETING**
Syberg's on Dorsett
- November 12 Contract Clause Seminar
Sandberg, Phoenix & von Gontard
- November 19 Monthly Membership Dinner Meeting
Soccer Park-Fenton
- December 3 BPI in a Box Lunch Meeting
Syberg's on Dorsett
- December 9 Contract Clause Seminar
Sandberg, Phoenix & von Gontard
- December 17 Casino Night Holiday Party
Syberg's on Dorsett
- January 13 Contract Clause Seminar
Sandberg, Phoenix & von Gontard
- January 28 Meet the GC's Expo
St Charles Convention Center
- February 26 Seal the Deal Sales Seminar
Patrick's Westport
- April 11 ASA MWC Awards Gala
The Four Season St Louis



The ASA Midwest Council was pleased to present a check for \$2,500 to the BackStoppers organization on September 20, 2014. The BackStoppers was the charity of choice in 2013-14 for the Midwest Council. Don Ardolino, J.D. Kutter & Associates and Jennifer Church, United Rentals presented a check to Chief Ronald Battelle on behalf of the entire organization.

The BackStoppers, Inc. is a non profit association of civic minded men and women in the St. Louis area. The BackStoppers provide needed support and financial assistance to the spouses and children of police officers and firefighters, who have lost their lives in the performance of duty. ASA Midwest Council is proud to support such an extraordinary organization, by making the \$2,500 donation on behalf of its 180 company members.



ASA Midwest Council is on Facebook, Twitter & LinkedIn

The month of September was a busy month on the legislative front. September marks the constitutionally mandated veto session each year. Most years are uneventful with either no attempts to override a Governor's veto or the General Assembly may attempt to override one or two vetoes. As tensions rise between the Governor and the Republican led legislature, this year and last have proven to be historical in regard to the number of veto overrides.

The constitutionally mandated veto session was held Wednesday, September 10. This year, a historic 33 bills were vetoed by Governor Nixon. The General Assembly vowed to override many of the bills the Governor vetoed along with many of the budget items the Governor had vetoed. The Senate holds a veto proof majority. The House was just shy of a veto proof majority until the Special Elections were held concurrent with the August Primary, when the Missouri House picked up their 109th Republican member. Assuming the Republicans stick together, they need 109 votes to override the Governor's veto, hence a veto proof majority. Each chamber is required to reach 2/3 majority override a bill. In all there were 47 line item budget veto overrides and the vetoes of 10 bills were overridden.

Budget Bills Subject to Veto Override. The General Assembly voted to override 47 of the Governor's line item vetoes. The 47 line item vetoes made by the General Assembly totaled approximately \$35.5 million. The total amount vetoed (not withheld) by the Governor in June was approximately \$276 million. The Governor still has control over the budget although his veto on so many items was overridden. As expected, just days after veto session, the Governor announced he would withhold the all the funds in the items overridden by the General Assembly. In short, although the General Assembly overrode these budget items, it is likely these budget items will never be funded because the Governor can still withhold the funds.

Other Vetoed Bills Overridden By General Assembly. One of the biggest concerns looming this veto session was whether or not the General Assembly would override the multiple bills vetoed by the Governor earlier this summer, which would have cut various sales tax programs in the State of Missouri. All taxes, including sales taxes, are a significant revenue source for the state's budget. If these bills were to become law, the loss in sales tax revenues were estimated to cost the state's budget nearly \$425 million in FY2015. The fact that the General Assembly did not override the devastating tax cut bills is good news for the state budget moving forward. SB829 was the only one of these tax reduction bills was overridden by the General Assembly.

The most controversial action during veto session was when the Senate shut down debate by calling for the Previous Question. The "Previous Question" or "PQ" is used frequently in the House to end debate and stop a filibuster. The Senate prides itself on rarely using this tactic. A PQ must receive a simple majority to stop debate. Simple majority in the Senate is 18 votes. The Senate used the PQ late in evening to shut down debate on the override of the veto on the 72 hour abortion bill. Once debate was stopped by the PQ the motion to override the Governor's veto of the bill passed along party lines. At that time the Democrats vowed to filibuster every bill that was brought up the rest of the evening. With that threat, the Senate adjourned. All eyes will be watching next session to see if there will be any retribution from the Democrats for using this tactic. Worth noting, 2007 was the last time the PQ was used in the Senate. It too was used on an abortion bill.

The following is a summary of all the bills the General Assembly overrode:

House Bill 1307 – Changes the minimum waiting period before a woman can have an abortion from 24 hours to 72 hours.

Senate Bill 829 – Modifies provisions relating to the burden of proof in tax liability cases.

Senate Bill 727 – Grants a sales and use tax exemption for products sold at farmers' markets, among other provisions.

House Bill 1132 – Changes the law regarding a tax credit for contributions to a maternity home, pregnancy resource center or food pantry.

Senate Bill 841 – Prohibits the sale of alternative nicotine or vapor products to persons under 18 years of age.

Senate Bill 593 – Modifies provisions relating to nonpartisan elections.

Senate Bill 656 - Modifies provisions relating to firearms, corporate security officers, and school protection officers.

Senate Bill 523 – Prohibits school districts from requiring a student to use an identification device that uses radio frequency identification to transmit certain information.

Senate Bill 731 – Modifies provisions relating to nuisance ordinances and actions.

Senate Bill 866 – Preempts local laws that would modify current law governing the manner in which traditional installment loan lenders are allowed to make loans.

2014 is an election year. The number of open seats this election cycle on both the State and Federal level has made this an extremely busy election cycle. All the U.S. Congressional seats are up for election. All Missouri State House seats are up for election as well as half of the Missouri Senate. Fundraising events and candidate forums the month of September have been plentiful. Fundraisers took front and center as September 30 marked the end of the fundraising quarter for candidates. Candidates are required to report contributions received by them on a quarterly basis to the Missouri Ethics Commission. The significance of this is that candidates or potential candidates do their best to try to raise money early in hopes of showing strong support and to ensure they have enough money to competitively campaign. Education, the economy and jobs continue to be at the forefront of all political debates.

The 2015 Legislative Session is quickly approaching as well. With it, will be a flood of new legislators who will have to be educated on all our issues. I have started the process of meeting and beginning to educate these candidates this summer. I have been travelling the state, meeting the candidates and educating them on what is important to our industry all summer and into the fall. If you have any questions regarding veto session, any of the races on the state, local or federal level, please do not hesitate to contact me. Also, please remember, get out and vote on Tuesday, November 4!

ASA Members 2014-15

AHM Financial Group
Acoustical Ceilings, Inc.
Affton Fabricating & Welding
Air Land & Sea Express
Air Masters/Gateway Mechanical
AME Constructors
American Burglary & Fire, Inc.
American Mechanical
American Steel Fabrication, Inc.
Anders CPA's +Advisors
Aschinger Electric
Bazan Painting Company
Bell Electrical Contractors
Benson Electric Company
Bi-State Fire Protection Corp.
Bi-State Utilities Company
Blue Line Rental
Bommarito Ford
Branham Electric
Briner Electric
Brown Smith Wallace LLC
Business Bank of St. Louis
C & R Mechanical Company
CD Strong Construction
C. E. Jarrell Contracting
CK Power
CMIT Solutions
CNA Surety
Cam-Dex Security
Cardinal Environmental Operations
Cee Kay Supply
Central Power Systems
CliftonLarsonAllen, LLP
Cohen Architectural Woodworking
Collins & Hermann
Common Sense Solutions
Corrigan Company
Dawson-Dodd Heating & Cooling
Deep Foundations, LLC
Drilling Service Company
Drury Company
Duct Systems
Ductz of West St Louis
Dynamic Controls, Inc.
ECO Constructors
ELCO Chevrolet Cadillac
Enterprise Bank & Trust
Envirotech, Inc.
Eureka Forge
Event Productions, Inc.
Excel Fire Protection. Inc.
Fabick CAT
Fastrack Erectors
Fenix Construction Co. of STL
Ferguson Enterprises, Inc.
Firestone
Flooring Systems, Inc.
Foreman Fabricators
Foundation Supportworks by Woods
Freeman Contracting
Frost Supply
GBI, Inc.
Galloway, Johnson, Tompkins, Burr & Smith
Gaus & Associates
George McDonnell & Sons
Goedecke Company
Golterman & Sabo
Grant Contracting
Greensfelder, Hemker & Gale, P.C.
Guarantee Electrical
H & G Sales, Inc.
Haberberger, Inc.
Hanenkamp Electric
Hayden Wrecking
Heitkamp Masonry
Helitech
Hereford Concrete Products
Hilti
Hoette Concrete
Hunter Saak Modular Sales & Leasing
Ideas4Promos
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
Lawrence Fabric Structures
Liberty Mutual Surety
Lindberg Waterproofing
Lizmark
Luby Equipment Services
MSI Motor Service, Inc.
Marketeer, Inc.
Mays-Maune-McWard, Inc.
McCarthy, Leonard & Kaemmerer
Merric
Meyer Painting Co.
Michele K Smith CPA
Midwest Elevator
Montgomery Bank
Murphy Company
National Fire Suppression
Negwer Materials, Inc.
Niehaus Construction Services
Nigel's Flooring
Nu Way
O.J. Laughlin Plumbing Co.
Oreo & Botta Concrete
P & A Drywall Supply
Pac-Van, Inc.
Parkway Construction Services
PayneCrest Electric
Pearl Street Electric, LLC
PierTech Systems
Pirtek Fenton
Positioning Solutions Company
Power Up Electrical
Precision Daylighting, Inc.
Precision Office Installers
Preferred Wireless, Inc.
ProSource Wholesale Floorcoverings
Process Marketing Group
Professional Installers, Inc.
PS Rapp Sewer & Plumbing
RAI Insurance Group
R.F. Meeh Co.
RJP Electric
RM Supply
Raineri Building Materials
Reinhold Electric, Inc.
Rental Supply, Inc.
Ritchie Bros Auctioneers
Rock Hill Mechanical Corp.
RubinBrown LLP
Sachs Electric Company
Safety International, LLC
Sandberg, Phoenix, von Gontard
Schaeffer Electric Co., Inc.
Schneider Electric
SD Smith Financial
Seal the Deal
Secura Insurance
Seiler Instruments
Signature Craft
Sikich, LLP
St. Louis Screw & Bolt
Stone Carlie
Stylemaster Apparel, Inc.
Sunbelt Rentals
Swanson Masonry, Inc.
T.J. Wies Contracting
Taylor Excavating
Techsmart Energy
Trojan Iron Works, Inc.
TROCO Custom Fabrication
Tulley Steel & Supplies
Tyson Onsite
UHY LLP
United Infrastructure Corporation
United Rentals
Vee-Jay Cement Contracting
Windoor Company
Wise Safety & Environmental

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

What is your ASA membership mean to you? Are you getting the ROI that you were expecting? Wondering how you can position your company and services to the rest of the ASA Midwest Council membership?

If you answered YES to any of these questions, then maybe I can help! Here are a few ideas for you to consider in positioning your company within the organization.

1. Write up a "What has ASA done for me lately" article that Susan can post in the online newsletter. Do you have a success story that you would like to share with the organization..... THEN LET US KNOW ABOUT IT! Did you close a big project with the help of another ASA member? Combo services with an associate member to win a bid? All of these stories are important to share with us.
2. Sign up for the spotlight table at the next meeting. This is the perfect avenue to showcase your company and its services to the monthly meeting attendees.
3. If your company has any special discounts that it would like to offer to the ASA membership, then let Susan or Robert Trask know that you are interested in being a part of the Affinity Program.

We also have several sponsorships opportunities for all of our members to market their company to the entire organization! * Contact Susan for any of the below options*

Monthly Meeting Sponsorships – For \$250.00 your company receives one full color ad on the dinner placemats at the monthly meetings. One color slide in the power point presentation during networking and dinner. Company will also be announced during the meeting announcements and recognition in the ASA – Midwest Newsletter.

Monthly Newsletter Sponsorships – Various sponsorships available for varying ad sizes and price ranges. Everything from a business card ad all the way up to a full page ad are available!!

Website Sponsorships – Various web sponsorships available for varying ad sizes and price ranges. This is an opportunity to market not only to the membership, but also to anyone visiting the ASA Midwest website.

I hope that one or all of these ideas gets you moving towards improved business, good luck, happy selling and I look forward to seeing you at the next meeting!

Jennifer Tichacek, Membership Chairman
Ferguson Facilities Supply

SAFETY

The safety committee meets the last Wednesday of the month at 4:00pm. 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! For additional info contact Mike Sicking, Safety International, 314-486-3141

PROGRAMS

The program committee is busy planning programming for the 2014-15 year. If you have suggestions or comments regarding ASA Programming, feel free to contact Tom Woodcock, Seal the Deal.

CONTRACT REVIEW

If your favorite GC refuses to accept any changes on the face of its proprietary subcontract agreement, try using an addendum attached as an exhibit to the subcontract. We have developed a cafeteria-type addendum allowing you to pick and choose from over 40 important subjects. Each is rated either A, B or C, that is, Very Important, Important and Less Important.

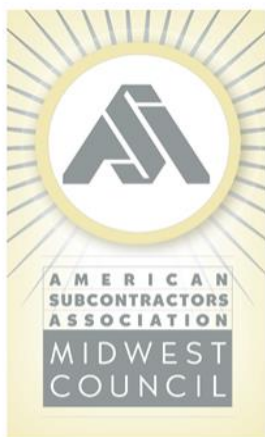
This addendum offers protection from the most notorious "Killer Clauses" frequently contained in proprietary subcontract agreements because it provides that in case of conflict between the terms of the Addendum and the other contract documents, the terms of the Addendum shall control. For a copy of the most recent edition of this addendum, just send an email and we will provide it in Word form for easy edits.

Dick Stockenberg, Sandberg, Phoenix & von Gontard P.C.

ASA's Excellence in Ethics Award Application Process Can Help Your Firm Start an Ethics Program

If your firm has implemented, or is developing, a corporate ethics code or training program, you may already have most of the materials you would need to apply for ASA's 2014 Excellence in Ethics Award. If your firm does not yet have an ethics program, following the awards application process can help you start one! ASA's 2014 Excellence in Ethics Award provides national recognition to subcontractors that demonstrate the highest standards of integrity in the construction industry. Award winners are selected based on corporate ethics policies and procedures, construction industry practices, and general business practices.

The award is a great way to let your clients, employees, and others in your community know that your company is committed to professionalism and sound business practices — and including such a distinction in your bids can be a good way to help distinguish your firm from your competitors! ASA has developed a "Model Timeline for Preparing an Application for an ASA 2014 Excellence in Ethics Award," which assigns a completion date to each step in gathering or producing the needed documentation to complete the application, including: finalizing policies, scheduling ethics training, soliciting recommendation letters, arranging for payment of the application fee, and reviewing and submitting the application. Some examples of materials that must be included with your application are: an internal financial controls policy, a non-discrimination and/or anti-harassment policy, a process for timely and fair resolution of customer complaints, and a recommendation letter from a competitor, a customer, and a supplier.



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Awards applications will be evaluated by Nitish Singh, Ph.D., an associate professor in International Business and the program leader of the Certificate in Corporate Ethics & Compliance Management at Saint Louis University, St. Louis, Mo. Dr. Singh also runs a consulting firm, IntegTree, LLC, with his business partner, Thomas Bussen, JD, MBA, providing ethics and compliance training and advisory services. For more information on ethics and compliance services, email Dr. Singh. Dr. Singh also serves as co-chair for the Brand2Global: Global Branding & Digital Medial Annual Conference.

Read ASA's 2014 Excellence in Ethics Awards brochure to learn about the awards judging criteria and submission requirements. ASA also provides a resource guide to help firms prepare and submit applications. This guide contains model documents, such as sample recommendation letter requests and model policies on topics ranging from competition and conflicts of interest to internal procedures and whistle blowing. The application deadline is Dec. 12, 2014. ASA will present the 2014 Excellence in Ethics Awards at its annual convention, SUBExcel 2015, which will take place March 26-29, 2015, in Seattle, Wash. Learn more about the ASA Excellence in Ethics Awards on the ASA Web site under "Education & Events."

WE NEED YOUR FEEDBACK!!

*Have you filled out a
member needs survey for 2014?*

*Please visit www.asamidwest.com
to access the member survey*



*Please complete and email to
susan@asamidwest.com*

What happens when a Subcontractor becomes a Prime Contractor? Protect yourself today!

Michael Sicking, Safety International

Many times a subcontractor will suddenly find they are quickly thrust into the role as "Hiring Contractor" when they subcontract a portion of their contract to a specialty subcontractor because of the nature of the skills required, they are overwhelmed by their initial contract, or maybe it is a situation where a portion of your original contract is being completed by a minority/DBE enterprise. For whatever the reason, the key here is that you have to now think like a General Contractor and appropriately protect your company from safety liability. I give my clients a safety requirements contracts that their subcontractors must read, agree to, and formally sign before work can commence on the contract. The agreement is about 9 pages long, but in the spirit of brevity and limited editorial space I will just try to summarize the more important highlights.

Require a written safety & Health plan specific for the project they are about to perform and copies of documented worker training before they commence work.

The safety and health program must as a minimum include and address implementation of the following; to the degree they are applicable to the scope of work:

- Description of planned work including task hazard breakdown where appropriate
- Responsibilities and lines of authority for the planned work
- Method for identifying job hazards and control methods.
- Personal Protective Equipment (PPE) required for the planned work (Note: if respiratory protection is required, a "Respiratory Protection Program" must be included).
- Employee orientation and required job training.
- Safety and health inspections.
- Safety and health goals and expectations.
- Disciplinary policy for violation of safety rules.
- Fire prevention and protection including contingency planning.
- Rules of Conduct and/or standard operating procedures as required for the work.
- Security and site control measures.
- Sanitation and on site medical support services.
Owner specified safety requirements.
Accident Reporting, Root Cause Investigation, and Corrective Actions.
Recordkeeping
Hazard Communication training

Worker's Compensation & Liability Insurance

Request proof of Worker's Compensation as required under applicable laws must be provided and administrated by SUBCONTRACTOR for their employees and agents. CONTRACTOR will not assume any responsibility for the administration of Worker's Compensation insurance, the submittal of reports, processing of claims, or any other related activity. Depending on the size of the project you may request to be named as additionally insured for the duration of their work.

FIRST AID AND EMERGENCY MEDICAL CARE SUBCONTRACTOR

is responsible for providing first aid trained personnel and emergency medical care for its employees and agents, notwithstanding any first aid personnel that CONTRACTOR may have assigned to the project, site, or facility.

SUBCONTRACTOR, at its own risk, may use CONTRACTOR first aid facilities and personnel. Such service is provided on a "Good Samaritan" basis and SUBCONTRACTOR will execute CONTRACTOR hold harmless agreement prior to obtaining first aid services from CONTRACTOR.

CONTRACTOR will not assume the responsibility for the transportation of SUBCONTRACTOR employees for medical or other purposes unless specifically included in terms of the subcontract and with the required indemnification agreement.

MINIMUM DRESS REQUIREMENTS

The following minimum dress requirements have been established as a guideline for SUBCONTRACTOR and its employees. It is the responsibility of SUBCONTRACTOR to ensure their employees conform to these or other guidelines acceptable to CONTRACTOR. You can decide ahead of time if any special dress code requirements are needed for the task at hand, or at the very least, industry standards for normal construction attire be adhered to.

PERSONAL PROTECTIVE EQUIPMENT SUBCONTRACTOR will provide, at its own expense, all required Personal Protective Equipment (PPE) for its employees and all required safety equipment and supplies as needed. SUBCONTRACTOR is required to ensure employees are wearing appropriate PPE as specified in applicable OSHA regulatory standards.

INSPECTIONS

SUBCONTRACTOR is responsible for conducting daily and documented weekly jobsite inspections for unsafe conditions and work practices. These should be turned in to you at weekly intervals.

TRAINING

This is a big one that OSHA will usually ask for if they come calling.. SUBCONTRACTOR will provide safety training for its employees at its own expense, and such training will be documented and copies provided to CONTRACTOR upon request.

SAFETY VIOLATIONS

SUBCONTRACTOR is responsible for promptly correcting all violations of safety and health standards, potential hazards, and other such safety-related problems within their area of responsibility. In the event an apparent violation is observed by CONTRACTOR, SUBCONTRACTOR will be notified.

MSDS

MSDS sheets must be submitted. SUBCONTRACTOR will provide to CONTRACTOR copies of Material Safety Data Sheets (MSDSs) for all materials that SUBCONTRACTOR brings on the jobsite.

SIGNATURE AGREEMENT PAGE

Make sure you have written signatory documentation that your subcontractor has read, understood, and agrees to abide by your safety & health regulations.

I have tremendously abbreviated the safety regulation agreement to cover the more important points. I hope, at the very least, that this article will get you thinking the next time you hire a subcontractor.

As always, if you have any questions please feel free to contact me at any time. Stay Safe! Mike Sicking, Safety International, LLC

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