MARCH 2014

March 19 Monthly Business Meeting Syberg's on Dorsett

March 27 Banking/Bonding Seminar Enterprise University

<u>APRIL</u>

MARCH

April 16 Monthly Business Meeting Soccer Park-Fenton

April 26 21st Annual Awards Gala Four Seasons Hotel

May

May 13 Partners in Construction Mason Contractors Assoc.

May 21 Monthly Business Meeting Syberg's on Dorsett

June

June 4 Construction Sales Training Quality Inn Dorsett

June 18 Construction Showcase & BBQ Queeny Park

visit <u>www.asamidwest.com</u> for a calendar of events. March marks the beginning of spring and after a winter like we had this year, unless you were pushing snow its time to get back to work. After a brutal winter the phones will start ringing and all the jobs that have been delayed all winter long will be in catch up mode. This is an interesting phenomenon in construction today, it seems like no matter what the case may be or however late you get on the project no matter what the trade you are supposed have your men work overtime weekends and everything else to get the job caught up.

I bring this up because there are several ways to handle this and some work much better than others. There is the classic, "I will get my men there when I can approach," this usually leads to a lot of frustration on both the subcontractor's side and the general's. There is the subcontractor tries to appease the GC and works his men day and night only to turn in a change order/ extra for overtime to be denied after the fact.

The only thing that I have seen work on a consistent basis is to have open communications and do your best to manage expectations. In other words under promise and over deliver. Do your best with the general and explain the problems/ solutions to the job schedule and document everything. The more I hear from the *Partner's in Construction* the more I believe that communication, and more than just an email, pick up the phone or go see someone will go a long way in making life better for all involved.

With all that being said I hope this spring brings a lot of work and most of all profit to all the subs and contractors involved with ASA. I look forward to seeing you this month.

Vincent Irwin Irwin Products, Inc. President, ASA MWC Building. Community.



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.



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Join a committee today.

Membership (Jennifer Tichacek/Tom Woodcock)

Programs (Steve Albart)

Golf (Jennifer Church/Jeff Jordan)

Legislative (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!!

MARCH 2014 MONTHLY BUSINESS MEETING SYBERG'S ON DORSETT Wednesday, March 19, 2014

Please join us Wednesday, March 19, 2014 at Syberg's on Dorsett, 5:30 p.m. Our topic for the evening is Business Valuation as it relates to Succession Planning, presented by Mark Jansen, RubinBrown, LLP.

The cost is \$42 per member and includes networking, education program, hosted bar and dinner.

Register online by Friday, March 14th.

The following companies will be reviewed at BPI: Altman Charter Helmkamp J.A. Wachter Paric Pernikoff

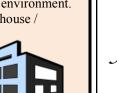
BPI Topic: What successes have you experienced regarding contract language negotiations?

Please invite a non member guest to the meeting, remember first time non member guests are FREE to attend. It is the best way to introduce someone to the benefits of ASA membership! Please register your in advance with the ASA officequests susan@asamidwest.com

Shared Office Space / Warehouse / Fabrication Shop Available

Furnished private office in a clean professional environment. Also available, together or separately, is a warehouse / fabrication area up to 6,000 s.f. Partial, Short term or intermittent lease available.

Contact: linda4825@gmail.com



Banking & Bonding Seminar "Financial Strategies in an Uncertain Economic Environment"

Enterprise University 6240 Olive Blvd Creve Coeur, MO 63130

Thursday, March 27, 2014 8:00 a.m. to 11:00 a.m. \$40 ASA Members \$60 Non ASA Members

For more details or to register visit www.asamidwest.com

Questions? Contact Susan Winkelmann susan@asamidwest.com 314 845-0855

Reserve your Table

ASA MIDWEST COUNCIL ROARING TWENTIES AWARDS GALA

Saturday, Apríl 26, 2014 Four Seasons Hotel St. Louís

www.asamídwest.com

Using the Four C's to Market Your **Construction Company with Social Media** AJ Ford, Marketeer, Inc.

Social Media outlets like, LinkedIn, Facebook, Twitter, share what you say with others. we want, from wherever we want.

construction companies of all sizes to create and overlooked elements in social marketing. It's important develop their own brand inexpensively. But, with so that your company's tone, message and image are much power at the fingertips of informed consumers consistent throughout all of your marketing efforts. who can influence purchase decisions, endorse brands, This consistency strengthens brand recognition, shows make recommendations and so forth, it is imperative professionalism, eliminates confusion, separates you construction companies remember the four C's of from competitors and maintains your brand's social media marketing, regardless of company size or personality. Now, this doesn't mean that all of your budget.

Determining which **CONNECT** with the right buyers is simple. *Where are* reinforces your identity and drives positive sentiment *vour customers*? businesses; LinkedIn, Blogs, websites, Google+ and customers decision making process. mobile websites are most likely your best options to reach your customer. However, it is still acceptable Lastly, Social Media marketing today takes a lot of and a good idea to have company Facebook, Twitter, COURAGE. We expose our company, subject our and Vine platforms as part of the "Cultural" brand brand to scrutiny and bear our soul. But here's a piece development for your company. After all you are still selling to people and people do business with people they know, like and trust.

Once you have determined where your customers are online, you have to decide what you want to convey. This brings us to the second, and in my opinion the most important factor in social media marketing... CONTENT. If you wish to create or develop your brand, and sell your products and services with social media, you must strive to position and differentiate your company as the expert of your skills, abilities or trade. Regardless of which social tools you use, the content you generate must be well-written, relevant and of interest to your target customers. Sometimes, it can

Social Media and technology devices have opened up be informative and professional, and other times, it can the world, creating the era of The Informed Consumer. be fun and entertaining. You want your viewers to When preparing Google+, Mobile websites, Vines, Blogs, Pinterest, and content, think about the terms and phrases your so many more have allowed for a whole new ability to audience might search for on the Web. Try to include network, share ideas and sell goods & services. Add to critical, relevant keywords and phrases in your content. that, consumers view their content on IPhones, Droids, Many of the social media platforms index content for Laptops, Desktops, IPads, IPad Mini's, Tablets, etc. search engines, which can help you promote your allowing us to view what we want, how we want, when company online without investing in additional paid advertising.

Social Media marketing is a terrific avenue for CONSISTENCY is one of the most important, yet communications need to look absolutely identical, but it does mean your key messaging and visual branding channel(s) will help you should be clearly identified. Strong consistent branding If you work primarily with and brand affinity. - both critical components in a

> of advice: Your customers, employees and competitors are *already* talking about you online. You need to be part of the conversation. This is a great opportunity to build trust by being helpful, interesting and giving your company a face and a personality.

ASA MIDWEST COUNCIL MEMBER AFFINITY PROGRAMS

ASA Membership has many benefits!!

We are currently creating exceptional affinity programs for our ASA MWC members!

Watch for exciting information in the upcoming weeks, including but not limited to discount programs from the following ASA Members:

> *CMIT Solutions ELCO Chevrolet Cadillac Firestone Ideas 4 Promos Pac-Van, Inc. Secura Insurance Stylemaster Promotional Products*

www.asamidwest.com for details

THANK YOU

to the companies that attended the February Monthly Meeting:

24/7 Onsite Cameras Affton Fabricating & Welding Air Masters/Gateway Mech. AME Constructors American Steel Fabrication Bazan Painting Co. Bi-State Fire Protection BMS Drilling Briner Electric C & R Mechanical Co. CeeKay Supply Corrigan Company D & J Glass & Sign

Dawson Dodd Heating & Cooling Duct Systems Dynamic Controls ELCO Chevrolet Cadillac Enterprise Bank & Trust Envirotech Event Productions Inc. Excel Fire Protection Fabick Firestone Flooring Systems Freeman Contracting Frost Supply Gaus & Associates George McDonnell & Sons Hereford Concrete Ideas 4 Promos Irwin Products J.D. Kutter Insurance Johnson Controls K & K Supply Luby Equipment Marketeer, Inc. Michele K Smith CPA Midwest Elevator Midwest Service Group Montgomery Bank Niehaus Construction Nigel's Flooring Oreo & Botta Concrete Pac-Van. Inc. PS Rapp Sewer & Plumbing RM Supply Rock Hill Mechanical RubinBrown LLP SD Smith Financial Sachs Electric Co. Safety International Sandberg Phoenix & von Gontard Seal the Deal Sikich LLP Stone Carlie T. J. Wies Contracting UHY LLP United Rentals

CONGRATULATIONS ASA Midwest Council Roaring Twenties Awards Gala 2014 Nominees

<u>General Contractor</u> <u>of the Year</u>

<u>Category A</u>

Alberici Constructors BSI Constructors Holland Construction Services L. Keeley Construction McCarthy Building Companies Tarlton Corporation

<u>Category B</u>

ARCO Construction Co. Interface Construction Corp. Kadean Construction McGrath & Associates Musick Construction Co. Rhodey Construction Volk Construction Co.

<u>Category C</u>

G.H. Voss Co., Inc. G.S. & S. Inc. HOF Construction J.E. Foster Building Company Lauer Construction, Inc. SITELINES, Inc.

MEP Subcontractor

<u>Category A</u>

Aschinger Electric Co. C.E. Jarrell Contracting Corrigan Company Guarantee Electrical Haberberger, Inc. Kaemmerlen Electric Kaiser Electric Key Bee Electric Murphy Company PayneCrest Electric Rock Hill Mechanical Sachs Electric Co. Schaeffer Electric Co.

<u>Category B</u>

Duct Systems Excel Fire Protection O.J. Laughlin Plumbing Co. Parkway Construction Services

Specialty Subcontractor

<u>Category A</u>

Affton Fabricating & Welding Collins & Hermann, Inc. Drilling Service Co. Fenix Construction Co. John J. Smith Masonry Co. T. J. Wies Contracting, Inc. Vee Jay Cement Contracting

<u>Category B</u>

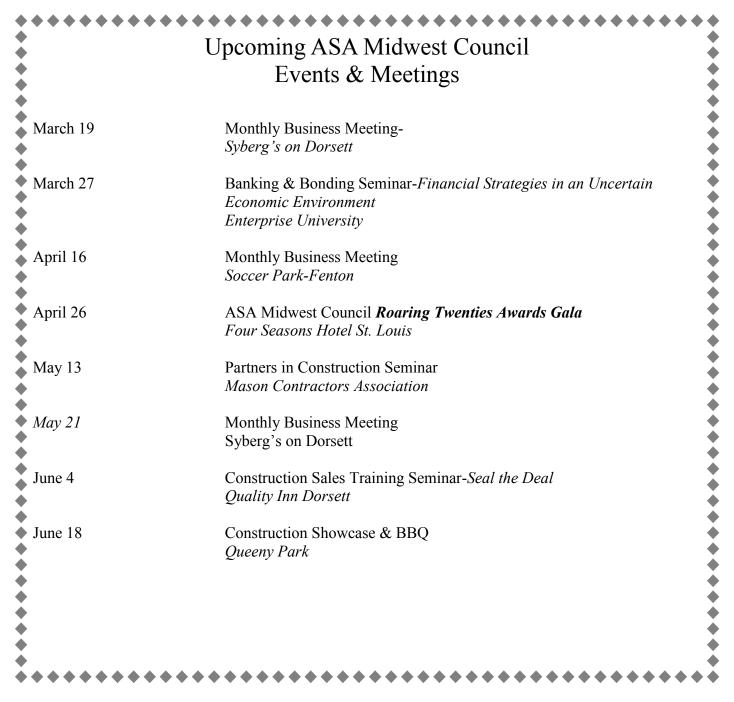
AME Constructors Bazan Painting Co. Foreman Fabricators Grant Masonry Contracting

Service Provider/Vendor

Enterprise Bank & Trust H & G /Schultz Door J.D. Kutter Insurance Associates Negwer Materials/ Negwer Door Systems Seal the Deal United Rentals Volvo Rents

Roaring Twenties Awards Gala Saturday, April 26, 2014 Four Seasons Hotel St Louis







Have you Heard??

ASA Midwest Council has a new *Safety Program* Powered by ASA Members and the ASA Safety Committee!

The investment is <u>only</u> \$300 per company and the benefits include the following:

- Job-Site Analysis
- Hazard Prevention & Control
- Safety Training & Education
- Industry Recognition
- Improved Employee Productivity & Morale

Contact Safety Chairman, Michael Sicking with Safety International. msicking@safety-international.com OR 314 486-3141

To apply, visit www.asamidwest.com.

STAR Safety Program join today!!

Specialized protection. Exclusive discount.

Count on SECURA for protection designed specifically for contractor operations.

You'll have fewer worries when you're covered by this insurance program. Highlights include coverage for employee tools and more.

As a member of the American Subcontractors Association-Midwest Council, you receive an exclusive discount on your policy.







STAR SAFETY PROGRAM Safety Training And Responsibility Powered by ASA MWC Members

The 2014 legislative session has been moving quickly. In the month of February the House and Senate many times subcontractors will sign their lien rights away debate daily. The Senate began holding floor debate twice lien waiver forms that have hidden language giving up lien a day and took up several controversial measures (Managed rights on a project. The bill sponsor, Rep. Rocky Miller, is Care Expansion, Gun Rights, and Abortion just to name a very passionate about this bill as he was personally affected few). controversial issues and the House has dedicated less time risk transfer in the construction industry will make changes debating bills than the Senate.

point of the legislation session, the annual Legislative develop less complex language, yet still attempting to fix Spring Break begins upon adjournment of the legislature on the problem in current law. As of newsletter press time, the legislature resumes.

The House has dedicated a lot of time in Committee this session discussing several highly updates via e-mail, please contact Susan Winkelmann or controversial pieces of legislation affecting the construction myself so we can add you to the list. Additionally, I am industry. Right-to-Work legislation, paycheck protection available at any time to answer any questions you may have legislation, and legislation that changes the prevailing wage regarding ASA's legislation, other legislation, or anything laws in the State of Missouri have all been heard and were else going on in our State Government. voted out of their House Committee in February. The Senate has not been so quick to discuss these issues. Speaker Tim Jones stated early in session he would pass right-to-work legislation out of the House this year. The Senate has not indicated they have the same desire to pass right-to-work, but would likely consider passing paycheck protection legislation again this year. These issues will likely be topic of debate and discussion all session.

ASA's legislative priorities are progressing this session. (1) Retention on Public Projects. Two bills have been filed on this issue SB529 and HB1484. SB529 is advancing at much quicker pace than the House Bill. As of newsletter press time the bill was on the Senate Calendar waiting for debate. HB1484 was heard in the House General Laws Committee where it was voted out after These bills modify the laws receiving no opposition. relating to retention for public projects. (2) Final Lien Waiver Clarification: HB1733 was filed by Rep. Rocky Miller. In summary the bill specifies that a waiver or lien release is only enforceable to the extent of the payment amount received by the lien claimant in exchange for the waiver or lien release. The bill was referred to the House Small Business Committee and had a hearing where many opponents came out against the bill. Those opponents included the Bankers and various title companies.

The issue sparking the filing of the bill is that too began moving bills through Committees and holding floor without knowing it due to numerous different and complex Floor debate in the House was spent on less by this problem. (3) Risk Transfer: HB1674 relating to to statute relating to the state's additional insured laws. This has been a tough issue we have been trying to We are quickly approaching the traditional halfway tackle for a couple years now. We have been working to March 13 and continues until March 24, when the bill had been referred to the House Insurance Policy Committee and was waiting for a hearing.

If you are not receiving my weekly legislation



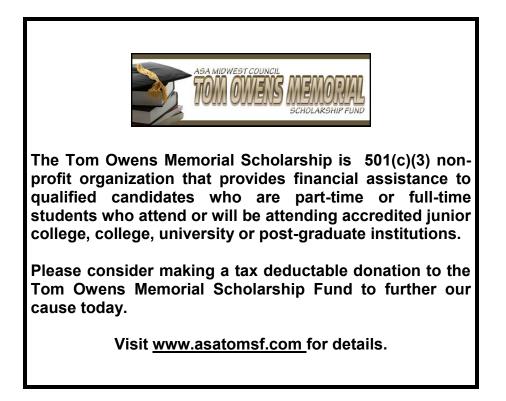
Did you receive your awards gala mailing in February which included the following?

THE ASA ROARING TWENTIES AWARDS GALA BALLOTS SAFETY AWARD APPLICATIONS SPONSORSHIP OPPORTUNITIES

Please help ASA recognize the Best of the Best in the Construction Industry by Returning your Ballots and Safety Applications.

Ballot Deadline is March 14, 2014

Submit your votes to Mark O'Donnell Sikich LLP 12655 Olive Boulevard, Suite 200 St. Louis, MO 63141



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 Membership offers the following FREE opportunities to all of our members to take advantage of every month:

New Member Spotlight - ALL Members - This is an article published in our ASA "The Voice" Newsletter that the new member can write about what type of work that their company performs.

New Vendor Spotlight - Associate Members only - This is an article published in our ASA "The Voice" Newsletter that the new associate member can write about what services their company can provide to our members.

Sound bite - ALL Members - "What ASA has done for me" is an article located in ASA "The Voice" Newsletter Bonding Seminar on March 27, 2014, and Seal the Deal that describes a business to business success story that your company benefitted from.

supplied table for the new member company so that they can bring their own display materials to explain their products and or services for all members to see and ask questions.

We also have several sponsorships that are overlooked sometimes for all of our members to market their company to the entire membership!

Monthly Meeting Sponsorships - ALL Members - 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 be announced during meeting announcements and recognition in the ASA - Midwest Newsletter.

Monthly Newsletter Sponsorships - ALL Members -Various sponsorships available for varying size and price ranges. Everything from a business card ad all the way up to a full page ad!!

*NEW - Website Sponsorships - ALL Members -Various sponsorships available for varying size and price ranges.

All the best, Jennifer Tichacek, Membership Chairman C&R Mechanical Company

SAFETY

Get educated by getting involved with the new STAR Safety program. Let us help you achieve your 2014 safety goals. The Safety Committee meets the last Wednesday of the month at 4:00pm at Helen Fitzgerald's Pub on South Lindbergh. New members are always welcome. If you think you might be interested, see you there! For additional info contact Mike Sicking, Safety International, 314-486-3141

PROGRAMS

Upcoming seminars include a Banking & Construction Sales Training on June 4, 2014.

If you have suggestions or comments regarding New member spotlight table – Any new member - A ASA Programming, feel free to contact Steve Albart, Enterprise Bank & Trust-salbart@enterprisebank.com

CONTRACT REVIEW

The contract review committee has over 80 contracts of general contractors that have been reviewed. Copies are available for your use, contact Susan Winkelmann to see what contracts we have on file. A 5 part seminar series on Killer Clauses and Lien Waivers is planned for late 2014/early 2015. Details to follow.

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



ASA Silver Sponsor eSUB Offers Online Construction Management Software Especially for Subs

ASA Silver Sponsor eSUB,

short for eSUBCONTRACTOR, provides a cloudbased project management, time card management, bid management and corporate management software for subcontractors to manage their construction projects online from any device, including smart phones, laptops and tablets.

With almost 30 years of consulting business experience in the construction industry, eSUB offers online construction management software designed exclusively to support operations, develop documentation and project management procedures for subcontractors of all trades to streamline procedures and increase their profit margin.

With eSUB, subcontractors can create, manage, store and access all of their construction documents and project management activities from one central location with no need to manually sync data. Whether they're at the office, in the field, on the road or working from home, subcontractors can manage paperless projects with eSUB's cloud-based construction management software.

eSUB automates time-consuming and error prone manual processes of managing projects in Word, Excel and Outlook, and replaces these with automated tracking procedures for increased efficiency, creating a seamless workflow. Simply point and click to enter data, send and receive email, generate cost analysis, create customized reports and more.

For more information, contact Benny Baltrotsky at (800) 493-3782, Ext. 308, or <u>benny@esubinc.com</u>.

Watch Out for Design Disclaimers! Negotiate Better Terms with ASA 'Tip Sheet'

Subcontractors are likely to find that a disclaimer of ownerfurnished plans and specifications is a red flag for a problem on a project. ASA's newest "Subcontractor's Negotiating Tip Sheet" on "Design Responsibility" explains that the subcontractor may find itself responsible for design for which it must hire a professional at a cost it did not include in its bid. The subcontractor may also find that it is not licensed and/or insured for design responsibility for which it has contracted. A common provision found in a general contractor's proprietary subcontract may state: "The Customer has requested that the Architect prepare documents for the Project, which are to be complete and accurate. The Subcontractor acknowledges and represents that it has not and will not rely upon any representations by the Customer or the Customer's agents concerning such documents." ASA recommends that subcontractors replace such a provision with: "Any design services provided by Subcontractor will be reviewed by Designer to assure acceptability when integrated with the entire work. Customer is entitled to rely on the accuracy and completeness of design services or certificates provided by Subcontractor only to the extent that design responsibility is specifically delegated to Subcontractor by agreement in writing and all design and performance criteria are furnished to Subcontractor."

If the general contractor says, "My customer insisted on this design disclaimer in my contract, so this is just a pass through," the subcontractor could reply: "I am willing to accept responsibility for designing portions of the work that were clearly identified and included in the bid documents. But it's not fair to ask me to make representations about the design without letting me know up front that I needed to include a lineitem in my bid to include fees for an architect or engineer." The GC may argue: "The subcontract makes clear that the Architect's documents are to be complete. You shouldn't have a problem." To such an argument, the subcontractor could explain: "I can't be locked into a design that you or someone else has prepared, without being allowed to rely on the documents prepared by that someone. I have to be able to rely on the architect's plans, or I have to be reimbursed for retaining my own design professional." If the GC insists, "This is standard industry practice," the subcontractor could counter: "AGC and ASA agree that '[r]eview of design drawings and documents by the contractor should be for the purpose of facilitating construction and not impose on the contractor a duty to discover errors, omissions or inconsistencies.' ASA tip sheets are released weekly and are designed to provide the subcontractor with the information it needs to negotiate a particular subcontract clause, including ASA-recommended language, samples of what a subcontractor may see in a client's proprietary subcontract, an explanation of the impact of poor language on a subcontractor, negotiating tips, and sources for more information. ASA tip sheets are available in the members-only section of the ASA Web site.

Would You Be Ready if a Disaster **Strikes Your Company?**

Michael Sicking, Safety International, LLC

Does your Company have an emergency action plan in the case of a tornado? How about a fire? Depending on what your company does are you at risk of a possible terrorist threat. Oh wait, that last one is just probably the competition. All kidding aside, considering where we are located in the U.S. it responsibilities under the emergency plan; is reasonable to assume that your company might be subject to a tornado or earthquake. How would you fare if an unexpected emergency happened today?

It might be time to consider an Emergency Action Plan. I have listed below a few details that OSHA suggest as to what should be included in a basic emergency action plan. There is a website address of http://www.osha.gov/Publications/osha3088.pdf which will offer much more information and resources in this area.

When developing your emergency action plan, it's a good idea to look at a wide variety of potential emergencies that could occur in your workplace. It should be tailored to your worksite and include information about International, LLC all potential sources of emergencies. Developing an emergency action plan means you should do a hazard assessment to determine what, if any, physical or chemical hazards in your workplaces could cause an emergency. If you have more than one worksite, each site should have an emergency action plan.

At a minimum, your emergency action plan must include the following:

A preferred method for reporting fires and other emergencies;

An evacuation policy and procedure;

Emergency escape procedures and route assignments, such as floor plans, workplace maps, and safe or refuge areas;

What should your emergency action plan include?

Names, titles, departments, and telephone numbers of individuals both within and outside your company to contact for additional information or explanation of duties and

Procedures for employees who remain to perform or shut down critical plant operations, operate fire extinguishers, or perform other essential services that cannot be shut down for every emergency alarm before evacuating; and

Rescue and medical duties for any workers designated to perform them. You also may want to consider designating an assembly location and procedures to account for all employees after an evacuation.

If nothing else I hope this article has initiated some thought and dialog within your company as to what would we do in the event of an emergency. As always, if you have any questions please feel free to contact me at any time. Stay Safe! Mike Sicking, Safety



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Recruit a new member and earn a star for your ASA name badge.



ponsorship Pater

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

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

\$300/Year

\$225/Year

ASSOCIATION PARTNERSHIPS:

Mason Contractors Assoc.(MCA) **Contact Pam Holway**

or 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

ASA Meeting Sponsorship

Highlight your company at an upcoming ASA Monthly Meeting

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

What do you get for \$250?

Full Color Sponsor featured on the 11x 17" placemat. Announcement at Meeting. Slide in Meeting Presentation. Recognition in Newsletter.

> Contact Susan Winkelmann susan@asamidwest.com 314 845-0855

Have you Heard??

THE ASA MIDWEST COUNCIL HAS A NEW WEBSITE

WWW.ASAMIDWEST.COM

- **Online Event Registration** •
- Advocacy Information
- Safety Information
- ASA Affinity Program Benefits
- Member Only Information
- And much more...