

## **NOVEMBER**

**November 15**  
**Monthly Meeting**  
**DINNER Meeting**  
*Syberg's on Dorsett*

## **DECEMBER**

**December 13**  
**Member Holiday Party**  
**Casino Night**  
*Syberg's on Dorsett*

## **JANUARY**

**January 31**  
**Meet the GC's Expo**  
*St. Charles Convention Ctr.*

## **FEBRUARY**

**February 21**  
**Monthly Meeting**  
**DINNER Meeting**  
*Syberg's on Dorsett*

## **MARCH**

**March 21**  
**Monthly Meeting**  
**LUNCH Meeting**  
*Korte & Luitjohan*

## **APRIL**

**April 14**  
**25th Annual Awards Gala**  
*The Four Seasons Hotel*

visit [www.asamidwest.com](http://www.asamidwest.com)  
for full calendar of events.

## **NOVEMBER 2017**

The Mission of ASA Midwest Council is to be a strong and innovative "construction trade association of quality specialty contractors and suppliers serving the construction industry and the community. Our purpose is to improve the construction process through active participation in education, legislation and cooperation". Recently our Board of Directors, several Past Presidents, and Committee Chairs attended a Strategic Planning session, to discuss the best way to reinforce this mission statement. Our goal is to continue to create opportunities, and support our members in their journey to become better business people.

While sitting in the room with these 20+ people, from all different areas of the construction industry, I was reassured of what I thought I already knew, and that is that all the people in this room are very passionate about this organization. They have an unlimited amount of great ideas of how to keep the organization moving in the right direction, and the drive and determination to bring the ideas to life. The bottom line though is we need YOU, our ASA MWC members, and most importantly, your time and talent; to bring the ideas to actual action items and concepts we can integrate into the ASA programs, events, and meetings.

Therefore, I wanted to use this month's president's message to ask for a little help from all of YOU! ASA MWC has 16 committees, and each one can use extra participation from all our member companies. You can help move the organization's ideas forward, by volunteering to be part of one of the ASA committees. I am reaching out to you because I feel the biggest obstacle we face as we try to move our mission forward, is TIME, or really a lack thereof. The issue of TIME was continuously brought up during the strategic planning session. Everyone seems to be swamped with work, home, kids, family, or just life in general. I completely understand the situation of trying to accomplish so much in a day, and you are probably thinking, "I just don't have the TIME to commit to anything else at this point". The good news is I am not asking for a huge commitment, just one hour per month! Join an event committee, or one of our "standing committees", such as membership or programs. Just commit to one hour a month, to help ASA Midwest Council continue to grow, and adapt to the ever changing STL construction industry, and continue to provide the most benefits possible to our members and the STL community.

I hope you are interested in joining a committee (there is a list of committees in this newsletter), and a full list on the [asamidwest.com](http://asamidwest.com) website as well. OR, feel free to reach out to me, or ASA executive director, Susan Winkelmann ([susan@asamidwest.com](mailto:susan@asamidwest.com) / 314.845.0855) for more information, and how you can get involved today!

Finally, make sure to mark your calendar for the upcoming ASA events, including our Monthly Membership meeting on Wednesday, November 15<sup>th</sup>, The Annual Casino Night Holiday Party on December 13<sup>th</sup>. Also make plans to kick off 2018 with ASA and the premier STL GC's at the Meet the GC's Expo on Wednesday, January 31<sup>st</sup> at the St. Charles Convention Center. Of course, you can register for all of these ASA events at [www.asamidwest.com](http://www.asamidwest.com). I look forward to seeing you soon!

Val Perales  
Bazan Painting Co. [vperales@bazanpainting.com](mailto:vperales@bazanpainting.com)  
President, ASA Midwest Council



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

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



**MIDWEST COUNCIL**

Building. Community. For **50** Years.  
The American Subcontractors  
Association-Midwest Council  
(ASA) is celebrating its 50th  
Anniversary in 2017!

**Join a committee today.**

**Membership**

*(Chris O'Hagan)*

**Programs**

*(Chris O'Hagan)*

**Golf** *(Jennifer Church)*

**Advocacy** *(Tim Thomas)*

**Awards Gala**

*(Molly Spowal /Rick Swanson)*

**Construction Showcase & BBQ**

*(Amy Heeger/Jim Riportella)*

**GC Expo**

*(Walter Bazan, Jr. /Tim Thomas)*

**Safety**

*(Mike Sicking)*

**Brand Development**

*(Stephanie Woodcock)*

**Contract Review** *(Dick Stockenberg)*

**Contact a committee chair today, to join a committee!**

**NOVEMBER 2017  
MONTHLY MEETING  
MEMBER DINNER MEETING  
*Syberg's on Dorsett***

*Wednesday, November 15, 2017*

Please join the ASA Midwest Council  
for our Monthly Membership **DINNER**  
Meeting on Wednesday, **November 15, 2017**  
**Syberg's on Dorsett 5:30 to 8:00 p.m.**

**Join the Discussion!**

ASA is hosting an interactive & informative  
discussion, regarding the latest legislative  
developments, and the status of Right to Work  
AND the attempt to repeal Prevailing Wage in MO.

Speakers Senator Gina Walsh and ASA lobbyist  
Nancy Giddens, will explain the challenges in  
getting legislation passed; the process, the pitfalls,  
as well as current battles in the legislature, such as  
Right to Work and Prevailing Wage.

*Is the proposed compromise enough to satisfy those  
seeking repeal of the Prevailing Wage?*

*Will Right to Work become the law of the land in  
Missouri, or will it be placed on the ballot, and  
overridden by the collective voice of the great  
people of Missouri?*

**MEETING AGENDA:**

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

**BPI Companies | Business Practice Interchange**  
**ICS, KCI Construction, Knoebel Construction**  
**Lamb Construction, Wachter Inc.,**  
**Wright Construction**

**Registration includes hosted bar, dinner, and  
program. \$42 ASA Members/\$65 Non Members**

**Register online-www.asamidwest.com**  
**by Friday, November 10, 2017 Attendees not**  
**canceled by 11.10.17 will be charged per ASA**  
**cancellation policy.**

**12th ANNUAL CASINO NIGHT  
*Members Only Holiday Party***



**Wednesday, December 13th  
Syberg's on Dorsett  
6:30 p.m. to 10:00 p.m.**

**Don't miss the 12th Annual ASA Midwest  
Council **Casino Night** Holiday Party!!**

**This is an ASA Member's Only event, but  
please register and bring your spouse or  
significant other, and join us for some  
holiday cheer ASA style!!**

**\$75 per person includes  
**Hosted Bar**, Appetizers, Gaming, &  
a Chance to **Win Great Prizes!!****

**Register [www.asamidwest.com](http://www.asamidwest.com)**  
**by December 8th.**

*(no shows not canceled by 12.8.16 will be charged)*

**Again this year we will conduct a food drive to  
benefit the **St Louis Area Food Bank**, so please  
bring canned goods to donate to this worthy cause.  
Last year we collected over 500 lbs. of food, which  
provides meals to the area's neediest families.**

*(No complimentary guests in December  
as this is a members only event, which replaces the  
usual monthly meeting)*

# 'Butts in the Seats' Marketing

Stephanie Woodcock  
**SEAL THE DEAL TOO**



When do owners usually start thinking about marketing? When they need to get more business correct? When they experience a lull or a change in the market or business climate that spurs them to say to themselves (and I'm paraphrasing), "Hmmm... I need to get more butts in the seats."

But, what if owners look at the purpose of marketing a little differently? What about those butts already in the seats? In other words, what about those customers they already have?

In traditional marketing there is a sales funnel. We market to the masses through traditional and non-traditional means – radio, tv, billboards, flyers, social media, electronic marketing. The sole purpose of this broad-reaching campaign is to "catch" as many in that large end of the funnel as possible. Then we keep marketing to that captured audience through drip marketing and TA-DA – out comes a sale at the small end of the funnel!

Well what if we flipped that funnel upside down? And started marketing to the core business base we already have? This outlandish idea also flips the definition of marketing on its head. I can hear the objections now (again paraphrasing): "Why spend all that money on customers I already have? I want more and new customers. I'm looking to differentiate and move into new markets. I'm looking at my numbers, and I need to increase volume and sales by XX percent."



Well marketing is part of an overall strategic culture of a company, and part of that strategy and culture should be appreciating those longtime clients, our core business. While there is a time and place AND strategy for marketing to the masses, sometimes we can miss the forest for the trees. We are so concerned with getting more butts in the seats, we become obsessed with the seat – the height, the cushion, the emptiness. We can't wait to pack the room with a new, fresh audience of future customers ready to buy, that we miss the low hanging fruit of what we already have. We need to love our customers by going beyond the norm in our marketing efforts.

If we focus on keeping them around, they will gladly spread our brand for us! When we start appreciating them, we reap dividends in referrals. Plus we get to start with an already established platform of trust.

I am big advocate of referrals and the power of word of mouth. In fact, research shows that 70 percent of buying experiences are based on how the customer feels they are being treated. My company has grown through just that – referrals and word of mouth. I have a select few that I thank often for helping me grow (you know who you are). Then I try to do a good (great) job for my clients and see where else that word of mouth takes me. While I like to display your marketing message in as many creative ways as I can think of, nothing, absolutely nothing, beats word of mouth. But they need something to talk about! They need to see a new marketing campaign, a new website, be invited to a carefully orchestrated open house. They need to see your marketing plan in action!

So, if we market to our clients – if we create a VIP club, if we appreciate them with our marketing dollars, clever marketing messages, open houses, happy hours, or simply "thank you" messages, if we appreciate them the way they deserve, that upside down funnel will start churning out new customers.

We essentially market to the masses as well. We do it through our customers. Our core clients tell other new, potential customers about the loyalty and 'brand love' they have towards us and TA-DA – out comes more sales!!! In other words, our powerful word of mouth message, our strategic culture of making our customers our primary marketing focus helps increase the volume of our sales. We are no longer marketing to "sell to" the masses. We are marketing to appreciate our current customer base – the people who keep the lights on. Then we realize that this forest has a lot of trees. Plus, those new customers we get through word of mouth have been vetted and already believe in our strategic culture because they have started with trust. It's a beautiful thing when marketing goes from "selling to the masses" to "appreciating the most important."

While I'm not advocating getting rid of marketing to the masses altogether, I am proposing a new way to look at marketing. It starts with the top – the owner. If the owner isn't buying into the new marketing agenda, then it's already failed. It's a culture and it has a strategy that needs to be engrained in every other part of the business workings – from the invoicing letterhead and thank you cards to the website functionality and responsive design.

Benjamin Franklin famously stated: "Well done is better than well said." Well we can "say" all we want in our marketing messages, but the people who have walked through our doors and experienced our service and product firsthand are the best messengers. They can testify to the fact that our companies are "well done" as opposed to just "well said."

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



# THANK YOU

to the MEMBER COMPANIES that attended the SEPTEMBER monthly meeting:

Affton Fabricating &  
Welding  
Architectural Sheet Metal  
Bazan Painting Co.  
Bell Electrical  
Bick Group  
Big Boy's Steel Erection  
Boyer Fire Protection  
Briner Electric  
CE Jarrell  
CK Power  
CMIT Solutions

Corrigan Company  
Drilling Service Co.  
Enterprise Bank & Trust  
GBI Inc.  
Gencorp Services  
George McDonnell & Sons  
Golterman & Sabo  
Grant Masonry Contracting  
ideas4promos  
Integrated Facility Services  
JD Kutter  
J W Terrill

Johnson Controls  
Knapheide Truck Eq.  
Lizmark Branded Solutions  
Luby Equipment Services  
Midwest Elevator  
Montgomery Bank  
Nu Way  
P & A Drywall Supply  
P. M Leach Painting Co.  
Professional Installers  
Safety International  
Sandberg Phoenix  
von Gontard

Schmersahl Treloar & Co.  
Seal the Deal Too  
Seiler Instrument  
SFW Partners, LLC  
Signature Craft  
TJ Wies Contracting  
Tyson Onsite  
UHY LLP  
United Rentals  
Vinson Mortgage  
Wies Drywall



# ***Upcoming ASA Midwest Council Meetings & Events***



<b>November 15</b>	<b>Monthly Membership DINNER Meeting</b> <b><i>Syberg's on Dorsett</i></b>
<b>December 13</b>	<b>ASA Member Holiday Party</b> <b>Casino Night</b> <b><i>Syberg's on Dorsett</i></b>
<b>January 31</b>	<b>16th Annual Meet the GC's Expo</b> <b><i>St. Charles Convention Center</i></b>
<b>February 21</b>	<b>Monthly Membership DINNER Meeting</b> <b><i>Syberg's on Dorsett</i></b>
<b>March 21</b>	<b>Monthly Membership LUNCH Meeting</b> <b><i>Korte &amp; Luitjohan</i></b>
<b>April 14</b>	<b>ASA Midwest Council's 25th Annual Awards Gala</b> <b><i>The Four Seasons Hotel STL</i></b>



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

# MEET THE GC'S EXPO

Hosted by the American Subcontractors Association - Midwest Council

Wednesday, January 31, 2018 • St. Charles Convention Center



3:00 - 4:30 p.m. • ASA Member Early Access  
4:30 - 7:00 p.m. • All Attendees Welcome

---

\$65 ASA Members • \$95 Non-ASA Members

Advance reservations required.  
Visit [www.asamidwest.com](http://www.asamidwest.com) to register by January 24, 2018.  
For more information, (314) 845-0855 or [susan@asamidwest.com](mailto:susan@asamidwest.com).

KICK OFF 2018 WITH ASA & STL GC'S

Don't miss the 16th annual

**Meet the GC's Expo**

Register at [asamidwest.com](http://asamidwest.com) by Jan 24th

MEMBERS USE CODE **ASA2018** for discount

# 2018 SUBExcel

ASA - We Build Excellence

**Feb. 28-March 3, 2018**

TEMPE MISSION PALMS HOTEL & CONFERENCE CENTER | TEMPE, AZ



# Register Now!

**VISIT [WWW.ASAONLINE.COM](http://WWW.ASAONLINE.COM) FOR ADDITIONAL INFORMATION**

## 2017 ASA CERTIFICATE OF EXCELLENCE IN ETHICS

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

### Online Resources:

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



**APPLICATION DEADLINE: DECEMBER 15, 2017**



**AMERICAN  
SUBCONTRACTORS  
ASSOCIATION**



The month of October was somewhat slow in Jefferson City as lawmakers attend interim committee hearings across the state and begin to concentrate on legislative priorities for the next round of bill filing which begins on December 1.

The biggest news in the Capitol in October were numerous resignations. Rep. Paul Fitzwater, Rep. Joe Don McGaugh and the Governor's Deputy Chief of Staff and former Rep. Caleb Jones all resigned in October. Fitzwater and McGaugh took appointments and Jones was tapped as new vice president of the Missouri Association of Electrical Cooperatives.

Rep. Paul Fitzwater was in his final year of his last term in the legislature as was appointed by the Governor to join be on the Board of Probation and Parole. Rep. McGaugh who had 3 years or a term and a half left before being termed out, was appointed by the Governor to become the next Carroll County Associate Circuit Judge. Special elections will likely be called in February to fill these vacant seats.

Jones, who had stepped down from his 50th District Missouri House seat just last January to work for Greitens, has long been considered a key player in Jefferson City politics and a likely choice to seek higher office. The cooperatives noted Jones's past work on legislation making it easier to clear rights of way and opposing tax increases that would have impacted the cooperatives. They also touted his work to obtain federal funding for the electric cooperatives' expansion of high speed internet in rural areas. While many have been speculating who may replace Jones as the Governor's Deputy Chief of State, the Governor has yet to make an announcement of who will be his replacement.

In other news, all eyes are on the special election for the 8th senatorial district in western Missouri. The seat, formerly held by Will Kraus, became vacant when Kraus was selected by Governor Eric Greitens to be the newest member of the State Tax Commission.

The race pits longtime republican state representative Mike Cierpoit against democrat Hillary Shields. Cierpoit had been considered the front runner until Jacob Turk entered the race after gathering enough signatures to run as an independent candidate.

Turk is well known in the district, having run for unsuccessfully for U.S. Congress on six separate occasions. The election will be held on November 7.

Finally, the 21st Century Missouri Transportation System Task Force met in St. Louis on October 18. Most of the discussion centered around support of transportation infrastructure upgrades in the St. Louis region and the equitable distribution of funding across the state. Also discussed was the future of transportation, specifically fully autonomous vehicles.

Testifying at the hearing were Bi-State Development Agency, Enterprise Holdings, MoDOT, OATS, Uber and Mo. Limestone Producers Association.

The committee will likely hold additional hearings, then prepare a report outlining their findings and recommendations, which will hopefully be used as a template for a new highway funding mechanism during the next legislative session.

We will continue to keep you updated on the political happenings in Jefferson City and around the state. Nikki Strong, Strong Consulting.

# ASA Midwest Council Members

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

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

## **MEMBERSHIP**

Did you know ASA Membership is a company membership? All employees of an ASA Member company can take advantage of **ASA Membership Benefits!** Invite someone from your office to attend the next ASA monthly meeting on November 15th!

ASA Midwest Council is celebrating its 50th Anniversary in 2017! We are 170 companies strong, and growing. Do you know a company that would benefit from joining the ASA? Contact membership chairman Chris O'Hagan-[chris@jdkutter.com](mailto:chris@jdkutter.com) or Susan Winkelmann, ASA executive director [susan@asamidwest.com](mailto: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**

Do you have ideas for ASA meeting topics/seminar topics you would like to see in 2018? If you have a suggestion regarding programming, please contact the ASA Program Committee Chairman, Chris O'Hagan with JD Kutter. [chris@jdkutter.com](mailto:chris@jdkutter.com)

## **CONTRACT REVIEW**

Did you know ASA Midwest Council has a Contract Review Committee? We have an extensive library of area GC contracts, that have been reviewed and marked up by the committee, available to all ASA members. Just contact [susan@asamidwest.com](mailto:susan@asamidwest.com) for a list of all the contracts we have on file.

If you have questions regarding the contract review service, contact committee chair, Dick Stockenberg, Sandberg Phoenix, von Gontard at [rstockenberg@sandbergphoenix.com](mailto:rstockenberg@sandbergphoenix.com).

## **SAFETY**

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



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

## ***Read Those Subcontract Documents!***

Too often subcontractors sign forms without fully comprehending the very serious legal implications of many of the subcontract clauses that give the prime contractor unnecessary legal and practical advantages. Subcontractors must read each subcontract carefully and completely to discover the legal pitfalls of such clauses.

Some prime contractors' proprietary subcontractor forms have been intentionally drafted to achieve legal and practical advantages over subcontractors. Indeed, these forms have become increasingly lengthier and more complicated, and are devised by attorneys to protect the interests of the prime contractors at the expense of subcontractors.

Through ASA educational programs and materials, many subcontractors have become aware of the practical problems and legal pitfalls of subcontract clauses and are negotiating changes in the clauses that are unduly harsh on subcontractors. Subcontractors are not only faced with harsh provisions imposed on them by the terms of the subcontract, but they often are faced with additional harsh terms imposed on them in the terms of the prime contract.

As a practical matter, it is very important for the subcontractor to obtain a commitment at the bid date that a neutral form will be used. One way a subcontractor can do this is to condition its bid on a neutral document, such as the ConsensusDocs Form 750, Agreement Between Constructor and Subcontractor. ASA provides a Subcontractor Bid Proposal as part of its ASA Subcontract Documents Suite to help members do just that.

Another approach is to use an addendum to attach to a prime contractor's proprietary subcontract form. One such tool is the ASA Subcontract Addendum, also part of the ASA Subcontract Documents Suite. The instructions included in the Suite describe how to use both of these approaches.

Remember, the goal of both the prime contractors and subcontractors is to build buildings, not fight about the form. When one form becomes irrationally loaded to the legal and detriment of one party, it frequently leads to trouble for all the parties.

## ***ASA Asks House-Senate Conferees to Approve Freeze of Miller Act Threshold***

ASA called for approval of a freeze of the statutorily-required periodic inflation adjustments to the threshold for the federal Miller Act in an Oct. 16 letter to members of a Congressional conference committee appointed to resolve differences between the House- and Senate-passed versions of the National Defense Authorization Act for 2018 (H.R. 2810).

ASA Chief Advocacy Officer E. Colette Nelson told the conference committee, "This provision is necessary to help protect the payment of construction subcontractors and suppliers on federal construction."

The provision, which was included only in the House-passed bill, would freeze the threshold at \$150,000, rather than allowing it to increase by \$50,000 every five years. The 1935 Miller Act requires a prime contractor on federal construction projects to provide a performance bond for the protection of the government and a payment bond for the protection of subcontractors and suppliers. Congress is expected to approve the NDAA before the end of the year.





## Do you have any Competent People?

*Michael Sicking*  
*Safety International*



I know this sounds like a set up for a joke, but let's take a look at how OSHA views this subject. I have been talking about competent person responsibility in just about every conversation I have with my clients, but it is still slow to catch on at the jobsite.

When OSHA visits the jobsite most often the first question they ask is "what is the name of the Competent Person"?

They have been also pushing this for a long time and it can be problematic for an employer if there is no designated competent person on the job.

### **What is an OSHA designated COMPETENT PERSON?**

#### A competent person is **not**:

1. Automatically the foreman or Superintendent on the job
2. The person with the most experience
3. The person who has most seniority
4. The Worksite "Know it all" who has the loudest mouth.

#### A competent person **is**:

1. A worker chosen by your company Management for a particular job, he becomes the safety eyes and ears for the other workers and makes morning observations about safety before work begins and periodically throughout the day as changes in work conditions develop. It is also important to convey to the competent person that he is not legally responsible for the safety of others. This still falls upon the employer.
2. A competent person assigned to a particular job has the authority to override the instructions of the job foreman if he feels the safety of workers is at risk and temporarily stop the job until the matter can be resolved by a member of management. There will be no repercussions against the competent person for matters of employee safety.

The term "Competent Person" is used in many OSHA standards and documents. An OSHA "competent person" is defined as "one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them" [29 CFR 1926.32(f)]. By way of training and/or experience, a competent person is knowledgeable of applicable standards, is capable of identifying workplace hazards relating to the specific operation, and has the authority to correct them. Some standards add additional specific requirements which must be met by the competent person.

When choosing your competent person it is important to make sure that that person has a positive attitude and proactively believes in the Safety process.

If you have any further questions, please feel free to call.

***Michael Sicking***

Michael Sicking  
Safety International, LLC  
314-486-3141

SPONSOR AN UPCOMING MONTHLY MEETING  
ONLY \$250-CONTACT [SUSAN@ASAMIDWEST.COM](mailto:susan@asamidwest.com) FOR INFO.

## NO NEW MEMBERS

*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](mailto: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](mailto:susan@asamidwest.com)

# 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 PARTNERSHIP

Mason Contractors Assoc. (MCA)

Contact David Gillick

(314) 645-1966



[www.masonrystlouis.com](http://www.masonrystlouis.com)

## **ASA Midwest Council needs your time and talent!**

**Are you a new member looking to get more involved with the ASA?**

**Or perhaps you are a long time member, and have never joined a committee!**

**We are always looking for committee members to assist with our quarterly events, as well as the ongoing committees, that help run the organization!**

**If you are interested in joining a committee, contact executive director,  
Susan Winkelmann 314.845.0855 or [susan@asamidwest.com](mailto:susan@asamidwest.com)**

***ASA Midwest Council has been Building. Community. Since 1967!***

