

# JANUARY 2020

## JANUARY

**January 15**  
**BPI in a Box Lunch**  
*Syberg's on Dorsett*

**January 29**  
**Meet the GC's Expo**  
*St. Charles Convention Ctr.*

## FEBRUARY

**February 19**  
**Monthly DINNER Meeting**  
*Syberg's on Dorsett*

## MARCH

**March 4-7**  
**SubExcel Convention**  
*Las Vegas*

**March 18**  
**BPI in a Box Lunch**  
*Syberg's on Dorsett*

**March 28**  
**DISCO BALL Awards Gala**  
*The Four Seasons Hotel STL*

## APRIL

**April 22**  
**Monthly DINNER Meeting**  
*Syberg's on Dorsett*

For a full list of all  
ASA Midwest Council events  
visit [www.asamidwest.com](http://www.asamidwest.com)

New Year resolutions for a new decade are in full swing. I always take note of all the new faces in the gym starting out a drive to improve themselves. In a couple weeks, the numbers will dwindle until it returns to mostly the usual crowd. Many move away from their resolutions and return to their old habits. The great thing about it is, not all give up. Every year there are more than a few that stick with it. Young and old, a few more faces become the usual crowd every year. Try something new, change something old, try something again. New Year resolutions may seem silly or cliché, but sometimes they stick, and when they do the rewards far outweigh the risk of giving up.

The Tom Owens Scholarship Cigar Fundraiser is January 9<sup>th</sup> from 5:00pm to 7:00 pm at the Missouri Athletic Club (downtown). If you have not attended this event before, try something new and get registered. All proceeds benefit the Tom Owens Scholarship.

January 15<sup>th</sup> we will hold a BPI in a Box Lunch for ASA Subcontractor and Supplier Members at 11:30 am at Syberg's on Dorsett. The topic will be Damages – Sometimes you receive them and sometimes you have to pay them, along with the normal general contractor discussion. BPI is one of the most powerful benefits of being an ASA member, so don't miss it. This event is a great opportunity to introduce your younger team members to what the construction industry and ASA has to offer.

January 29<sup>th</sup> will be the Meet the GC's Expo. Be there for one of the best events ASA has to offer. Members only time is from 3:00 pm to 4:30 pm, this is a great time to beat the crowd. With 35 general contractors as exhibitors, if you a subcontractor in the St. Louis region, your customers will be there, so get registered. Members save with early registration prior to January 22<sup>nd</sup>. Visit [asamidwest.com](http://asamidwest.com) before January 22<sup>nd</sup> to reserve your spot.

Join us for the February 19<sup>th</sup> monthly member meeting, where we will welcome KMOX Blues analyst, Joey Vitale. Joey is a hometown former NHL player, and brother of ASA member Sal Vitale, Vee Jay Cement Contracting. This will be a fun and informative meeting, so visit [asamidwest.com](http://asamidwest.com) to register.

Finally, save the date for The Disco Ball Awards Gala on March 28<sup>th</sup>, 2020. This is a must attend, STL Construction Industry recognized event. Watch your email for details and registration!

Tom Henson,  
Affton Fabricating & Welding Co., Inc.  
President, ASA Midwest Council  
[thenson@afwc.com](mailto:thenson@afwc.com)

## Syberg's on Dorsett

2430 Old Dorsett Rd  
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.

• • • • • American Subcontractors Association, Inc. • • • • •

**SAVE THE DATE**

**MARCH 4-7**

**2020** **SUBExcel**  
ASA - We Build Excellence



**REGISTRATION AVAILABLE FOR THE PREMIER SUBCONTRACTOR CONVENTION!**  
VISIT <https://asa.events.idloom.com/subexcel2020> for all the details, and list of speakers & events!  
**THIS CONVENTION IS OPEN TO ALL ASA MEMBERS!**  
Questions? Contact [susan@asamidwest.com](mailto:susan@asamidwest.com) or 314.845.0855

**MARK YOUR CALENDAR  
REGISTRATION IS AVAILABLE!**

***MEET THE GC'S EXPO***

***Wednesday, January 29, 2020***

***3:00 to 7:00 p.m.***

**Kick off 2020 with ASA, and make plans to join us  
for the 18th Annual Meet the GC's Expo!**

*THE ASA MEET THE GC'S EXPO IS THE PERFECT  
OPPORTUNITY TO MEET WITH AND BUILD RELATIONSHIPS  
WITH MULTIPLE REPRESENTATIVES FROM OVER  
35 OF THE PREMIER STL AREA GENERAL CONTRACTORS!*

**Wednesday, January 29th, 2020 at the  
St. Charles Convention Center-*new this year*, we  
will be in the lower level convention area! More  
convenient to parking & more networking room for  
everyone in the new space!**

**REMINDER!**

**As an ASA Midwest Council Member  
you have early access to the GC Exhibitors!**

**MEMBER ONLY ACCESS-3:00 to 4:30 p.m.  
All REGISTERED ATTENDEES-4:30 to 7:00 p.m.**

**ST. CHARLES CONVENTION CENTER**

1 Convention Center Plaza  
St. Charles, MO 63303

**Registration includes hosted bar & appetizers  
ASA Members \$65 (after 1.22.20-\$80)  
NON Members \$95 (after 1.22.20-\$110)**

**Register online-[www.asamidwest.com](http://www.asamidwest.com)  
by Wednesday, January 22, 2020  
(Members must have website login to receive  
the ASA member rate. If you do not login you  
will be charged the non member rate!  
***If you need your login send an email to:  
[susan@asamidwest.com](mailto:susan@asamidwest.com)*****

*(Attendees not cancelled by 1.22.20. will be  
charged per ASA cancellation policy. No refund after  
1.22.20., but you may always send someone in your place  
if you are unable to attend.)*

**FEBRUARY 2019  
Monthly DINNER Meeting**

***Syberg's on Dorsett***

***Wednesday, February 19, 2020***

***5:30 to 7:30 p.m.***

Mark your calendar, and register to join us  
for the February Monthly Member **DINNER** Meeting

**Wednesday, February 19, 2020 at 5:30 p.m.**

**Our speaker for the evening will be St. Louis  
hometown NHL hockey player, and current  
KMOX St. Louis Blues Analyst, Joey Vitale**

**This will be a fun and informative meeting,  
so make plans to be there!**

**SYBERG'S ON DORSETT**

2430 Old Dorsett Road  
Maryland Heights, MO

**MEETING AGENDA:**

Networking	5:30 to 6:30 p.m.
BPI (business practice interchange)	5:45 to 6:15 p.m.
Dinner & Announcements	6:30 to 7:15 p.m.
Program featuring Joey Vitale	7:15 to 8:00 p.m.

*Registration includes dinner, hosted bar & speaker!*

**\$42 ASA Members**

**\$65 Non ASA Member**

**Register online-[www.asamidwest.com](http://www.asamidwest.com)  
by Friday, February 14th 2020.**

*(Attendees not cancelled by 2.14.20. will be  
charged per ASA cancellation policy. No refund after  
2.14.20., but you may always send someone in your  
place if you are unable to attend.)*





**NO ONE WANTS TO FILE A LIEN OR BOND CLAIM.....UNLESS YOU NEED TO BE PAID**

*How to be proactive to preserve rights*

**Richard A. Stockenberg**

**Sandberg, Phoenix & von Gontard**

**Chapter Attorney**

**[rstockenberg@sandbergphoenix.com](mailto:rstockenberg@sandbergphoenix.com)**

**314-446-4301**

There may be tools in your collection toolbox of which you may not be aware that you may successfully use to help get paid. Some of these are rights found in the AIA – A-201 General Conditions, 2017 edition (“A-201”). Even though you may not be offered the corresponding AIA A-401 subcontract agreement, the A-201 may be part of your contract documents as the governing general conditions. If so, be aware of these little known (and seldom used) rights, but to get the benefits, you have to ask for certain information and documents to which you are entitled. Don’t hesitate.

It is recommended that each subcontractor consider exercising these rights, if they are available, earlier rather than later because it is much easier to receive cooperation in the early stages of a project while all parties are still enjoying the hot tub together, rather than later in the job after things go bad and you are standing 20 paces apart ready to aim. Here is a brief summary of rights that are available in the A-201 for the asking.

**Due Diligence on Owner .....**

Preliminarily, you have the right to obtain information that will be helpful in doing your due diligence to evaluate financial risk. To help answer the question “Do I really want this job?” you should get as much information on the owner as reasonably possible, especially when the owner is unknown. Pursuant to Article 2.2.1 of the A-201, the owner is required, prior the commencement of the work, to furnish reasonable evidence that financial arrangements have been made to fulfil the owner’s obligations under the contract. The furnishing of this information is a condition precedent to commencing work. It is, therefore, suggested that you request, *even before a contract is signed*, the name, address, telephone number, and email address of the principal contact person of the lender and a copy of all financial information supplied by the owner to the general contractor evidencing whatever financial arrangements the owner has made to fulfil its obligations. In the event the general contractor claims not to have any such information, you should ask the GC to obtain it.

If the general contractor is offering you a subcontract that makes payment by the owner to the general contractor a condition precedent to the general contractor’s duty to pay you, then the general contractor should have no objection to obtaining and sharing this information.



**Liens and Bonds .....**

Next, under the lien law, you are required to give notice to the owner of your intent to enforce lien rights. Such notice includes the name of the owner and description of the property. Sometimes this information is not as available or obvious as first appears. There is relief when this happens. Pursuant to Article 2.1.2 of the A-201, the owner is required to furnish this information to the general contractor who in turn is obligated to pass this information onto you as a subcontractor. Therefore, it is suggested that you request that the general contractor obtain and furnish (1) a correct statement of the record legal title to the property and (2) the owner’s interest in that property. Having this information in advance saves time and money when the pressure is on to file a timely lien.

Likewise, Article 2.2.4 requires the owner to furnish surveys describing physical characteristics, legal limitations, and utility location and a legal description of the site. This information is invaluable to have during the job, especially for site contractors.

If the job is bonded, it is beneficial to have a copy of the bond in advance rather than to wait until the end of the job when time restrictions may come into play. Article 11.1.3 requires a copy of any payment bond be furnished to a potential beneficiary. That obviously includes all subcontractors who are the primary beneficiaries of a general contractor’s payment bond. Having a copy of the bond as early as possible is important because often times there are enforceable time limits for giving notice of you claim. Sub-subcontractors and suppliers are particularly at risk for having to give notice. Also, be aware suppliers at any tier by statute have bond rights on Missouri government projects, subject to giving a 90 day notice.

**.....and More**

The A-201 also entitles you to additional information not necessarily needed for filing a mechanic’s lien or making a bond claim, but helpful for performing your work and assessing risk. Specifically, Article 3.10.1 requires the general contractor to prepare a construction schedule. In addition, Article 5.3 requires the general contractor make available to its subcontractors *prior the execution of a subcontract*, copies of the contract documents to which the sub is to be bound. *The GC is required to identify the terms and conditions of the proposed subcontract agreement which may be at variance with the contract terms.* This information, especially when obtained before the subcontract is signed, will be helpful in evaluating risks buried within the contract documents.

Finally, even if the A-201 document is not part of your contract documents, the rights afforded therein may serve as a good checklist of items to be included in your subcontract agreement.

**SATURDAY, MARCH 28TH 2020**



**ASA Midwest Council's**

**DISCO BALL**

**The 27th Annual Awards Gala**

6:00 - 7:30 pm – President's Cocktail Reception

7:45 - 9:00 pm – Dinner Served

9:00 - 10:00 pm – Awards Presentation

10:00 - 11:00 pm – Celebration!

**TO REGISTER, VISIT [ASAMIDWEST.COM](http://ASAMIDWEST.COM) BY MARCH 18TH, 2020  
\$175 PER PERSON | VALET PARKING INCLUDED | BLACK TIE OPTIONAL**

CALL THE FOUR SEASONS AT 314.881.5757, BEFORE MARCH 12TH TO BOOK ROOM AT ASA RATE OF \$215  
FOUR SEASONS HOTEL | 999 NORTH SECOND ST. | ST. LOUIS, MO

**THANK YOU**

to the **MEMBER COMPANIES** that attended the **DECEMBER CASINO NIGHT**

Acropolis Technology Group  
Affton Fabricating & Welding  
Archview Metals  
BAZAN Painting Co.  
Bell Electrical Co.  
Bi-State Utilities Co.  
BluSky  
Brown Smith Wallace LLP

CarsonAllaria Wealth Mgmt.  
CMIT Solutions  
CNA Surety  
CSA Advisors  
ELCO Chevrolet Cadillac  
Enterprise Bank & Trust  
Fabick  
George McDonnell & Sons  
Grant Masonry

Hayden Wrecking  
J.D. Kutter  
Liberty Mutual Surety  
Luby Equipment  
MC Service  
Montgomery Bank  
Nu Way  
Pac Van  
Plumbing & Planning Corp.

Precision Analysis, Inc.  
RubinBrown  
Sachs Electric Co.  
Schmersahl Treloar  
Seal the Deal Too  
SFW Partners LLC  
Signature Craft  
TJ Wies Contracting, Inc.  
United Rentals

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



- January 15**                      **BPI in a Box Lunch-Subcontractor & Supplier Members Only**  
*Syberg's on Dorsett*
- January 29**                      **Meet the GC's Expo**  
*St. Charles Convention Center*
- February 19**                      **Monthly Membership DINNER Meeting**  
*Syberg's on Dorsett*
- March 4-7**                        **ASA SubExcel Convention**  
*Las Vegas*
- March 18**                        **BPI in a Box Lunch-Subcontractor & Supplier Members Only**  
*Syberg's on Dorsett*
- March 28**                        **ASA Midwest Council's *The DISCO BALL***  
*The Four Season Hotel*
- April 22**                         **Monthly Membership DINNER Meeting**  
**Syberg's on Dorsett**

**VISIT [WWW.ASAMIDWEST.COM](http://WWW.ASAMIDWEST.COM) TO REGISTER FOR ANY OF THE ABOVE EVENTS!**  
**Event registration now requires member login, contact [susan@asamidwest.com](mailto:susan@asamidwest.com) with questions!**

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





BUILDING. COMMUNITY.

# MEET THE GC'S EXPO

Hosted by the American Subcontractors Association - Midwest Council



**Wednesday, January 29, 2020**

St. Charles Convention Center



3:00 - 4:30 p.m. | ASA Member Early Access

4:30 - 7:00 p.m. | All Attendees Welcome

**Advance Registration Required.**

\$65 ASA Members | \$95 Non ASA Members

**After January 22nd deadline | Members \$80 | Non-Members \$110**

Visit [www.asamidwest.com](http://www.asamidwest.com) to register by January 22, 2020

For More Information contact [susan@asamidwest.com](mailto:susan@asamidwest.com) or 314.845.0855

**REGISTRATION CLOSING 1.22.19.**

**ASA Members must use login to receive  
\$65 member price!**

**[www.asamidwest.com](http://www.asamidwest.com)**



***The Tom Owens Memorial Scholarship committee is currently accepting applications for the 2020 Scholarships! Applications are due by January 31st 2020.***

***Download an application by visiting the [asamidwest.com](http://asamidwest.com) website **or** contact [susan@asamidwest.com](mailto:susan@asamidwest.com)***

*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.*

**A great way to help the scholarship committee raise funds is to attend our upcoming fundraiser on **January 9th 2020** at the Missouri Athletic Club (downtown). **5-7 p.m. \$125 per person.****

## **Cigar Smoker Fundraiser to benefit the Tom Owens Memorial Scholarship Fund**

*We will provide a fantastic spread of hors d'oeuvres and cocktails & hand rolled cigars!*

**Register by visiting the ASA Midwest Council website:**

<https://asamidwest.com/asaevents/tom-owens-scholarship-cigar-fundraiser/>

***For additional information about the Scholarship Fund contact  
Chris O'Hagan, J D Kutter [chris@jdkutter.com](mailto:chris@jdkutter.com)***



Capitol staffers have been busy this month as legislative pre-filing has begun in preparation of the next legislative session which begins on January 8 at noon. Legislators began the bill pre-filing process on December 1 with nearly 850 bills and resolutions having been filed as of the writing of this newsletter. Senate and House members will continue filing bills until midway through the session where nearly 2,000 bills are expected to be filed once the deadline for filing closes.

Several bills have already been filed that would raise the state fuel tax in order to fund road and bridge construction. In addition, there is a proposed constitutional amendment filed which would allow MoDOT to establish toll roads in the state. Another proposal would put a portion of increased motor vehicle registration fees into the state road fund. These initiatives have a tough road ahead of them and only time will tell whether they land on the governor's desk. Similar legislation has been met with stiff opposition from many conservative legislators in recent years and they have signaled their intent to block any proposed tax increases once again this session.

The Senate Interim Committee on Tax Credit Efficiency and Reform has held four hearings since late summer to examine the many tax credit programs in the state. Many view the tax credits as a necessary trigger for economic development, construction, and job creation, while others say the process is inefficient and lacks accountability. The committee was slated to wrap-up their review of the many programs in early December, but it was recently announced they will continue to hold hearings throughout the legislative session. Senator Cindy O'Laughlin, chairwoman of the committee, said she wants the committee to continue their work looking into how tax credits are processed and how their value is determined.

In other political news, a recent report by State Auditor Nicole Galloway has found that the Black Mountain Community Improvement District (CID) violated state law with their expenditure of \$296,937 of taxpayer money. The CID funds were intended to be spent on infrastructure, storm water controls and related construction. The audit showed several violations of state law, but the most glaring was an expense of more than \$100,000 for equipment purchases, repairs and operational expenses to a convenience store owned by three members of the CID board. Restrooms were remodeled, new fuel pumps were purchased, and a new walk-in beer cave was installed at the store. Six months after the work was completed, the convenience store was sold to new owners. The taxpayer dollars used for the work were not reimbursed. Current board members are working with law enforcement on the findings of the audit. The Black Mountain CID is near Van Buren, in Carter County, Missouri.

Repairs and renovations on the exterior of the state Capitol continue to progress with an anticipated completion date near the end of 2020. However, the refurbished statue of Ceres, the Roman goddess of agriculture, whose likeness sat atop the Capitol for 94 years is causing some controversy. The statue was removed last year and sent to Chicago for repairs and is now back in Jefferson City where it is slated to be placed on top of the dome once again. Representative Mike Moon didn't want to see Ceres returned to the dome due to religious reasons and has asked Governor Mike Parson to intervene. Moon sent a letter to the governor calling the statue a "pagan god" and wanted Parson to direct the Capitol Commission to not return the statue to the dome. Despite Rep. Moon's request Ceres was returned to the dome of the Capitol on December 17.

As mentioned earlier, the legislative session is slated to begin on Wednesday, January 8 and will run through May 15. Once the legislative session starts and legislation begins to move, weekly legislative updates will be sent to the ASA members updating you weekly on ASA's legislative priorities. We appreciate the opportunity to represent you. Nikki Strong, Strong Consulting Group.

# ASA Midwest Council Members

24/7 OnSite Cameras  
Acoustical Ceilings, Inc.  
Acropolis Technology Group  
Affton Fabricating & Welding  
AME Constructors  
American Burglary & Fire, Inc.  
American Steel Fabrication, Inc.  
Anders CPAs + Advisors  
Aqueduct Plumbing LLC  
Archview Metal Systems Co.  
Aschinger Electric  
Aspen Waste Systems  
Autco Appliances  
Auto Trim Restyling  
Bangert Computer Systems  
Bazan Painting Company  
Bell Electrical Contractors  
Benson Electric Company  
Bick Group  
Big Boy's Steel Erection  
Bi-State Fire Protection Corp.  
Bi-State Utilities Company  
BluSky Restoration  
Boyer Fire Protection  
Brown Smith Wallace LLP  
Building Point Mid-America  
C.E. Bollmeier Company, Inc.  
C. E. Jarrell Contracting  
CK Power  
CMIT Solutions  
CNA Surety  
CSA Advisors LLC  
Cardinal Environmental Operations  
CarsonAllaria Wealth Management  
Cee Kay Supply  
Century Fire Sprinklers, Inc.  
CliftonLarsonAllen, LLP  
Collins & Hermann  
Common Sense Solutions  
Corrigan Company  
Doll Services and Engineering  
Drilling Service Company  
Dynamic Controls, Inc.  
ELCO Chevrolet Cadillac  
Enterprise Bank & Trust  
Event Productions, Inc.  
Fabick CAT  
Fenix Construction Co. of STL  
Flooring Systems, Inc.  
Foreman Fabricators  
Foundation Supportworks by Woods  
Frost Supply  
Galloway, Johnson, Tompkins,  
Burr & Smith  
George McDonnell & Sons  
Golterman & Sabo  
Grant Contracting  
Grasser Electric  
Guarantee Electrical  
H & G Sales, Inc.  
HM Risk  
Haberberger, Inc.  
Hanenkamp Electric  
Hansen's Tree, Lawn & Landscaping  
Hawkins Construction & Flatwork  
Hayden Wrecking  
Heitkamp Masonry  
Hoette Concrete  
Ideas4Promos  
Imperial Metal Company  
Integrated Facility Services  
Irwin Products  
JD Kutter  
J.F. Electric  
J.W. Terrill  
John J. Smith Masonry  
Johnson Controls  
Jos. Ward Painting Co.  
K & K Supply, Inc.  
Kaemmerlen Electric  
Kaiser Electric  
KAM's Mechanical LLC  
Kay Bee Electric  
Kirberg Company  
Kirby-Smith Machinery, Inc.  
Knapheide Truck Equipment  
Landesign LLC  
Lawrence Fabric & Metal Structures  
Leach Painting Company  
Liberty Mutual Surety  
Lindberg Waterproofing  
Linek Plumbing Co.  
Lizmark  
Luby Equipment Services  
Marketeer, Inc.  
Meyer Painting Co.  
Midwest Elevator  
Montgomery Bank  
Mueller Prost  
Murphy Company  
Negwer Door Systems  
Niehaus Building Services  
NuWay  
O.J. Laughlin Plumbing Co.  
On Site Companies, Inc.  
P & A Drywall Supply  
P.M. Leach Painting Co.  
Pac-Van, Inc.  
Parkway Construction Services  
PayneCrest Electric  
Pearl Street Electric, LLC  
Pirtek Overland  
Pipe and Duct Systems  
Plumbing Planning Corporation  
PPG Paints  
Precision Analysis, Inc.  
Professional Installers  
Professional Metal Works, LLC  
R.F. Meeh Co.  
RJP Electric  
Raineri Building Materials  
Ravensberg, Inc.  
Rental Supply, Inc.  
Rock Hill Mechanical Corp.  
RubinBrown LLP  
Sachs Electric Company  
Safety International, LLC  
Sandberg Phoenix  
Schaeffer Electric Co., Inc.  
Schmersahl Treloar & Co.  
Seal the Deal Too  
Seiler Instruments  
SFW Partners, LLC  
The Sherwin-Williams Co.  
Show Me Industrial Services, Inc.  
Signature Craft  
Sikich LLP  
St. Louis-KC Carpenters Reg Council  
Stylemaster Apparel, Inc.  
Sunbelt Rentals  
Swanson Masonry, Inc.  
T.J. Wies Contracting  
Taylor Excavating  
TROCO Custom Fabrication  
UHY LLP  
USI Insurance Services  
United Rentals  
Vee-Jay Cement Contracting  
Wies Drywall and Construction  
Worksafe Technologies  
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. Interested in joining a committee? Contact Susan Winkelmann, ASA Executive Director-[susan@asamidwest.com](mailto:susan@asamidwest.com) or 314.845.0855*

## **SAFETY**

**DID YOU KNOW??** The ASA MWC Safety Committee provides weekly tool box talks every month, that are FREE for members to download! Just visit the Safety Page on the ASA website, which is in the MEMBER ONLY area of the website. Lets be Always Safety Aware! For additional information regarding the ASA Safety Committee, or to join the committee, contact our Safety Committee Co-Chairs-Rose Kastrup with CSA Advisors at (417) 761-4194 or Steve Williams with Bell Electrical at (314) 447-9071.

## **MEMBERSHIP**

The ASA Membership Committee is asking for your help. If you know a subcontractor who could benefit from the resources that ASA brings to its members, let us know. The benefits of ASA membership are many and our committee is very focused on adding quality new members. For Additional information contact on of our Membership Committee Co-Chairs Chris O'Hagan, JD Kutter, at (314) 444-4949 or [chris@jdkutter.com](mailto:chris@jdkutter.com). OR Matt Tucker, Affton Fabricating & Welding, at (618)391-0434 or [mtucker@afwc.com](mailto:mtucker@afwc.com)

## **CONTRACT REVIEW**

In order to enhance your rights, use an appropriate "mutuality" clause. Include in your subcontract a clause saying that you have the same rights against the GC as the GC has against the owner. That way, if the GC has negotiated more favorable payment terms against the owner than you have against the GC, you may get the benefit of the more beneficial terms.

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

## **PROGRAMS**

Our goal is to continue to provide relevant programming to all our members. If you have suggestions for future ASA program topics, please contact either of our Programs Committee Co-Chairs: Chris O'Hagan, [chris@jdkutter.com](mailto:chris@jdkutter.com) or Steve Albart, [salbart@enterprisebank.com](mailto:salbart@enterprisebank.com)



# THANK YOU!

On behalf of the St. Louis Area Foodbank  
and the families you've helped feed,  
we would like to thank

**American Subcontractors Association**

for your food donation of **314** lbs.

The food you collected will provide **256** meals  
to those in need!



**MIDWEST COUNCIL**

Building. Community.



1 in 6 people in the bi-state region are in need of food assistance.



The St. Louis Area Foodbank is the region's largest nonprofit food distribution center dedicated to feeding those in need.



At 31%, children make up the largest segment of individuals needing food assistance from the Foodbank.



The St. Louis Area Foodbank distributes food to more than 500 area food pantries, soup kitchens, shelters and other feeding programs throughout 26 area counties (14 in MO/ 12 in IL).

**THANK YOU FOR YOUR CONTINUED SUPPORT!**



**Thank you to everyone that attended the ASA Member Holiday Party Casino Night on December 4th!**

85 ASA Members and their guests enjoyed food, drinks, games, great prizes, and holiday cheer, all while gathering food items for the area's food vulnerable families!

As a group we collected 314 pounds of food to donate to the STL AREA FOOD Bank! Thank you for making the ASA Food Drive a success again this Year!

**HAPPY NEW YEAR**



## U.S. Department of Labor Issues Temporary Enforcement Policy for Certifications from Crane Institute Certification

WASHINGTON, DC – To avoid industry confusion and potential disruptions of construction crane projects, the U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) has issued an enforcement policy for crane operator certifications issued by Crane Institute Certification (CIC). OSHA requires crane operators engaged in construction activity to be certified by an entity accredited by a nationally recognized accrediting agency. CIC no longer holds such accreditation.

The policy explains that, although CIC-issued certifications are not compliant with OSHA’s operator certification requirement, OSHA does not intend to cite employers for operating equipment that violates that requirement if their operators, in good faith, obtained CIC-issued certifications prior to December 2, 2019, with the belief the certifications met the standard’s requirements. Until further notice, OSHA will not accept CIC certifications – including re-certifications – issued on or after December 2, 2019.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA’s role is to ensure these conditions for America’s working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit [www.osha.gov](http://www.osha.gov).

The mission of the Department of Labor is to foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.



## Hazard Recognition

Many workers are seriously injured each year by accidents. Accidents don’t just happen. Accidents are the result of an error within control of one or more people. How do we recognize, assess and control hazards, which are potential accidents?

### What is a Hazard?

A hazard is any practice, behavior, condition or combination that can cause injury or illness in people, or damage to property or the environment.

#### Health Hazards

- √ Chemical agents (solids, liquids or gases)
- √ Physical agents (energy or force such as sound, heat or electricity)
- √ Biological agents (microorganisms from plant, animal or human tissue)
- √ Ergonomic hazards (poor equipment, design or activity)

#### Safety Hazards

These can cause traumatic injury or death:

- √ Machinery and equipment related
- √ Energy (falls, struck by, kinetic, released)
- √ Confined space
- √ Material handling

### What is Hazard Recognition?

Hazard Recognition means identifying a “suspected hazard”, because of its potential to harm or damage, or having it brought to your attention. If you or someone else recognizes a potential hazard in the office or field, please complete and submit .

### Tools to Assess a Hazard

When we receive the information related to a near miss, we should assess the hazard using the following tools:

- Detailed inspection or testing of the hazard
- Physical observation by trained individuals
- Investigations of near hit
- Interview of workers using Job Safety Analysis (JSA) Procedure
- Reviewing of records such as first-aid or safety meetings
- Compare findings to predetermined standards

### Hazard Controls

The goal of hazard recognition and assessment is to eliminate the hazard or prevent it from harming workers or the environment. This can be completed using one of the following points of control.

- At the source – preferred method of control. (engineering and/or management controls, isolation, elimination, etc)
- Along the path – between the source and the worker (guard, enclosures, distance from hazard)
- At the worker – control of last resort (PPE, training & scheduling)

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## ***NO NEW MEMBERS THIS MONTH***

*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)*

### **Join a committee today.**



#### **Membership**

*(Chris O'Hagan/Matt Tucker)*

#### **Education/Programs**

*(Chris O'Hagan/Steve Albart)*

**Golf** *(Jennifer Church/Steve Cummins)*

**Advocacy** *(Tim Thomas)*

#### **Awards Gala**

*(Molly Spowal /Rick Swanson)*

#### **GC Expo**

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

#### **Safety**

*(Rose Kastrup/Steve Williams)*

#### **Brand Development**

*(Stephanie Woodcock)*

#### **Contract Review**

*(Dick Stockenberg)*

#### **Affinity Programs**

*(Dianne Gibbs/Marty Hooper)*

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Contact Susan Winkelmann  
[susan@asamidwest.com](mailto:susan@asamidwest.com)



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