

## FEBRUARY 2020

### FEBRUARY

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

The ASA Midwest Council Meet the GC's Expo is always expected to be a great event, and this year it certainly delivered. With 35 general contractors represented, and over 1200 attendees, it truly is an event like no other for the construction industry. Thanks to Susan Winkelmann, the committee and volunteers for making this year's event a resounding success.

### MARCH

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

Wednesday February 19th, we will have a monthly member dinner meeting at Syberg's on Dorsett (networking starting at 5:30pm), featuring KMOX St. Louis Blues Analyst Joey Vitale. Beyond getting the inside scoop on all things Blues, this event will feature a Business Practice Interchange session starting at 5:45pm. So be sure to attend and take advantage of one of the most powerful benefits of your ASA membership.

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

The ASA SUBExcel Convention which begins on Wednesday March 4th fast approaches. The ASA national convention takes place at Caesar's Palace in Las Vegas. The theme for 2020 is "The Economy Moving Forward". Great educational events, networking, and VEGAS, I hope to see you there. **Reminder this convention is open to ALL ASA MEMBERS.** If you have questions about content, programming or anything SUBExcel, contact our executive director, Susan Winkelmann.

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

The Disco Ball Awards Gala will be held March 28th starting at 6:00 pm at The Four Seasons Hotel St. Louis. Being another industry recognized event for ASA Midwest Council, the Gala committee is hard at work in the background to make this an event you can't miss. Ballots were sent out via email late last month, so please make sure to cast your company vote and help choose the 3 General Contractor of the Year awards, as well as the Service Provider of the year award. Cast your vote so your voice is heard as to who deserves these prestigious awards in 2020. Our Past GC of the Year award winners take care of the voting, to choose the Subcontractor awards in two categories of MEP and Specialty. This is an event you do not want to miss, so check out all the details on the ASA website, reserve your tickets, and then pick a sponsorship to help elevate your company's exposure at the event! Last year we had 420 attendees and hope to surpass that number in 2020.

### APRIL

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

### MAY

**May 13**  
**NETWORKING EVENT**  
*TopGolf*

I hope the new year is off to a great start, and I look forward to seeing you at an ASA meeting or event in the very near future.

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

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

**REGISTER NOW!**  
**MARCH 4-7**

**2020** | **SUBExcel**  
Subcontractors Building 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

**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 former NHL  
hockey player, and current KMOX **St. Louis Blues**  
Analyst, Joey Vitale! (and a STL hometown guy).

This will be a fun and interactive meeting, so make  
plans to be there! Joey will give us plenty of time  
for Q&A, to find out the inside scoop on all things  
**STL BLUES! Don't miss the FUN!**

**SYBERG'S ON DORSETT**

2430 Old Dorsett Road  
Maryland Heights, MO

**MEETING AGENDA:**

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

**BPI Companies:**

Artisan Construction, BBi Constructors, Diestelkamp  
Construction, Goodwin Brothers, ICS, K&S.

*Registration includes dinner, hosted bar & speaker!*

**\$42 ASA Members**

**\$65 Non ASA Member**

**Register online-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.)*

**MAY 13, 2020**  
**Networking Event**

*TopGolf*  
*16851 N. Outer 40 Rd.*  
*Chesterfield, MO*  
*Wednesday, May 13, 2020*  
*4:30 to 6:30 p.m.*



**TOPGOLF**

**Please make plans to join ASA & SITE  
for a joint networking event at TopGolf!**

**Swing on by for 2 hours of Cocktails,  
appetizers & golf for only \$60 per person!**

**Visit [asamidwest.com](http://asamidwest.com) to register by 5.6.20.**

Advance registration is required! If you are a  
member of more than one of the organizations  
(ASA/SITE) please only register with one  
organization so we do not have duplicate  
registrations!

**BAR SPONSORSHIPS AVAILABLE \$300**

**Visit [www.asamidwest.com](http://www.asamidwest.com) to register today!**

*This event promises to be a great way to kick off  
the spring with some great networking, food,  
drinks, and golf!*

*Cancellation by 5.6.20. for refund in original form  
of payment. After that date, no refund, but you may  
always send someone in your place if you are unable  
to attend the event.*

## ConsensusDocs Publishes a New Standard Public-Private Partnership (P3) Agreement

ConsensusDocs announced in December 2019 the publication of a new industry standard public-private partnership (P3) agreement. The ConsensusDocs 900 Standard P3 Agreement and General Conditions is a pioneering document from ConsensusDocs that represents a vast improvement of P3 agreements otherwise available for use.

Consistent with the ConsensusDocs philosophy, the document provides a fair and balanced standard for a P3 project to design, build, finance, operate, and maintain (DBFOM) between an Owner and Concessionaire.

This new agreement is part of the ConsensusDocs Public-Private-Partnership (P3) 900-series. P3 contracts typically involve complex 200-plus page contracts that obfuscate and inappropriately shift risk. The new ConsensusDocs Standard P3 Agreement provides a fair off-the-shelf solution for P3 projects that can be modified to meet specific project needs. This will significantly lower the transactional costs for small and medium sized P3 projects to both create a contract as well as assess the risk involved for pursuing potential P3 projects.

Ernest C Brown, a San Francisco-based Construction lawyer, mediator and arbitrator, who chaired the ConsensusDocs P3 Working Group commented "Rather than create a P3 agreement from scratch, the new ConsensusDocs 900 P3 Standard Agreement provides a sophisticated and flexible contractual solution that users can modify based upon the specific needs." The P3 is an innovative contracting vehicle that offers a better mechanism to consider a project's life-cycle costs and flexibility in financing for the project." Brian Perlberg, Executive Director and Senior Counsel of ConsensusDocs added, "P3 projects are often clouded by rampant risk shifting that ultimately hurts project outcomes. At the very least, the new ConsensusDocs P3 agreement creates a fair baseline for owners, financiers, builders, and designers alike to begin a real conversation to contract utilizing public-private partnerships."

ConsensusDocs are the only contracts written by 40 leading design and construction industry organizations, including ASA. With a catalog of 100+ contract documents addressing all methods of project delivery, ConsensusDocs contracts incorporate fair risk allocation and best practices to represent the project's best interests. The Coalition collectively represents over 300,000 design professionals, owners, contractors, subcontractors and sureties (DOCS).

**The ASA-endorsed ConsensusDocs** family of documents includes contract documents for different project delivery methods, as well as supplemental documents/forms to help subcontractors define and manage the risks and responsibilities of electronic communications, financial disclosure, surety bonding and more. ConsensusDocs users have 24/7 access to contracts from anywhere via a secure, cloud-based system. The system allows users to electronically review and propose changes to ConsensusDocs documents and makes it easy for users to electronically collaborate on document changes with other people in their company and electronically negotiate contract changes with clients.

**[These DISCOUNTED document subscription packages are available as a benefit of your ASA MEMBERSHIP!](#)**

**Full Package** - Unlimited use of all 100+ documents for one full year: **\$879 (ASA member)/\$1,099 (nonmember).**

**Subcontracting Package** - Unlimited use of subcontracting and select other documents (same as previous subcontracting package) for one full year: **\$539 (ASA member)/\$679 (nonmember).**

**Express Package Unlimited** - Unlimited use of select short form and administrative documents for one full year: **\$399 (ASA member)/\$499(nonmember).**

**Express Package Per Document** - Access to select short forms and administrative documents for one full year, plus a per document usage fee: **\$319(ASA member)/\$399 (nonmember).**

**Prequalification & Bond Forms Package ConsensusDocs Prequalification & Bond Forms Package.** Unlimited use of Prequalification & Bond Forms for one year **FREE: \$0 (ASA member)/\$0 (nonmember).**

**[FOR MORE INFO ON ASA DISCOUNTED CONSENSUSDOCS CALL \(866\)925-DOCS \(3627\) OR VISIT WEBSITE: \[www.consensusdocs.org\]\(http://www.consensusdocs.org\)](#)**





*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 and support deserving students advance their educational goals!

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

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

# THANK YOU

**to the MEMBER COMPANIES that attended our last meeting!**

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***



- |                    |                                                                                                        |
|--------------------|--------------------------------------------------------------------------------------------------------|
| <b>February 19</b> | <b>Monthly Membership DINNER Meeting-<i>Joey Vitale</i></b><br><i>Syberg's on Dorsett</i>              |
| <b>March 4-7</b>   | <b>ASA SubExcel Convention-<i>All invited to Attend!</i></b><br><i>Las Vegas</i>                       |
| <b>March 18</b>    | <b>BPI in a Box Lunch-Subcontractor &amp; Supplier Members Only</b><br><i>Syberg's on Dorsett</i>      |
| <b>March 28</b>    | <b>ASA Midwest Council's <i>The DISCO BALL</i></b><br><i>The Four Season Hotel</i>                     |
| <b>April 22</b>    | <b>Monthly Membership DINNER Meeting-<i>GC Award Winners!</i></b><br><i>Syberg's on Dorsett</i>        |
| <b>May 13</b>      | <b>ASA/SITE Joint Networking Event-<i>Sponsorships Available</i></b><br><b>TopGolf in Chesterfield</b> |

**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!*



**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**

**CONGRATULATIONS TO OUR 2020 AWARDS GALA NOMINEES**

ASA Midwest Council's  
**DISCO BALL**  
The 27th Annual Awards Gala  
**2020 NOMINEES**



**General Contractor 2020**

**CATEGORY A**

Alberici Constructors  
ARCO Construction  
BSI Constructors  
Contegra Construction Co.  
L. Keeley Construction  
McCarthy Building Co.  
Tarlton Corporation

**CATEGORY B**

Interface Construction Corp  
ISC Contracting  
Kadean Construction  
McGrath & Associates  
Musick Construction  
Rhodey Construction

**CATEGORY C**

BEX Construction Services  
G. S. & S. Construction  
J.E. Foster Building Company  
Spiegelglass Construction

**MEP Subcontractor 2020**

**CATEGORY A**

Aschinger Electric  
Guarantee Electrical Co.  
Jarrell Mechanical Contractors  
JF Electric, Inc.  
Kaemmerlen Electric  
Murphy Company  
PayneCrest Electric, Inc.  
Sachs Electric

**CATEGORY B**

Benson Electric  
Bi-State Fire Protection  
Boyer Fire Protection  
Kaiser Electric  
KayBee Electric  
O.J. Laughlin Plumbing Co.  
Parkway Construction Services  
Plumbing Planning Corporation  
RF Meeh Co.

**Specialty Subcontractor 2020**

**CATEGORY A**

BAZAN Painting Co.  
Kirberg Company  
Niehaus Building Services  
T.J. Wies Contracting, Inc.  
Vee-Jay Cement Contracting Co., Inc.

**CATEGORY B**

AME Constructors  
American Steel Fabrication, Inc.  
George McDonnell & Sons  
Golterman & Sabo  
Grant Masonry Contracting  
Leach Painting Company  
Meyer Painting Company  
Swanson Masonry, Inc.

**Service Provider/Supplier 2020**

Enterprise Bank & Trust  
Fabick  
JD Kutter

K & K Supply  
NuWay  
Seal The Deal Too



**REGISTER NOW!**  
**MARCH 4-7**

**2020** **SUBExcel**  
Subcontractors Building Excellence



## **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!***



The Capitol is busy again as lawmakers returned to Jefferson City on January 8 for the start of the 2020 legislative session. Senators and Representatives hit the ground running, filing over 1500 bills and resolutions thus far.

Funding for transportation infrastructure remains a high priority again this session. There have been many bills filed taking many different approaches and filed by many different legislators in the House and Senate. One of the bills filed which started out moving quickly was SB539, which increases the gas tax from 17 cents to 19 cents per gallon, and the tax on diesel from 17 cents to 23 cents per. After implementation, the tax rate will be adjusted annually for inflation. The bill made quick progress initially, being heard by the Senate Transportation, Infrastructure and Public Safety Committee and voted out the same day. We expect the bill to slow to a snail's pace now because of opposition by a handful of senators. It remains to be seen how which bill will advance on this topic.

Governor Mike Parson appeared before a joint session of the Missouri House and Senate on Wednesday, January 15 to deliver the annual State of the State address to lawmakers. Parson took the opportunity to talk about accomplishments since taking office, along with laying out his legislative agenda and budget for the next year. In his speech, the governor spoke at length about transportation and workforce development which continue to be items he has focused on since taking office. The governor also spent time talking about the ongoing rise in violent crime in the major cities across the state. His proposal focused on increased protection for witness and victims of violent crime, tougher penalties for those crimes and an increase in available mental health services.

Parson's budget proposal for Fiscal Year 2021 includes \$50 million to continue the transportation cost-share program, a \$5 million increase for rural broadband development, and \$10.1 million to continue the port capital improvement program. There was also \$4.4 million allocated to continue the Fast Track program, which is designed to encourage adults to pursue certificates, degrees, or industry-recognized credentials in high-demand occupations. K-12 education also saw a \$12 million increase for the Foundation Formula in the governor's proposal, as well as a \$10 million increase in student transportation funding.

Democrats in the legislature were not totally enamored with Parson's proposals. In their response to the State of the State address, Senate Minority Floor Leader Gina Walsh said, "This was a disappointing and, frankly, troubling speech. More than 100,000 kids have had their health care taken away by Governor Parson's administration, and today, he continued to ignore this crisis. Meanwhile, his party continues to stand in the way of common-sense changes to prevent gun violence, address the opioid epidemic, and make college more affordable. The biggest issues facing Missouri were essentially ignored by Governor Parson today, and that is incredibly unfortunate for middle-class families."

As the legislative session continues, House and Senate priorities, along with Governor Parson's initiatives, will begin to sort their way through the process. Of the many bills that are filed, very few will make it across the finish line as was evidenced last year when only 102 bills and resolutions were passed. The session runs through May 15.

We will continue to keep you updated on issues and happenings in Jefferson City and around the state that impact ASA and the construction industry. 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  
Budrovich  
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  
Empire Fence & Custom Iron Works  
Enterprise Bank & Trust  
Event Productions, Inc.  
Fabick CAT  
Fenix Construction Co. of STL  
Flooring Systems, Inc.  
Focal Pointe Outdoor Solutions, 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  
Woodard Cleaning and Restoration  
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**

Safety Award Applications are now being accepted by the Safety Committee! Applications are due by February 10th 2020. Download the application from the ASA website, or contact [susan@asamidwest.com](mailto:susan@asamidwest.com)

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**

If you are unable to negotiate meaningful substantive changes to subcontract terms, one item to try for to give you some leverage if things turn bad during the job is a clause saying, "All of Subcontractor's duties and obligations and all of General Contractor's rights are contingent upon General Contractor being current in its payment obligations to Subcontractor and not in any way in breach of any term of this subcontract agreement." This may help you avoid some onerous clause if the GC has breached the subcontract 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)



## OSHA Raises Civil Penalties for 2020

On Wednesday, January 15, 2020, the Occupational Safety and Health Administration (OSHA) announced a final rule to raise civil penalties for workplace violations by 1.8 percent. The final rule implements annual inflation adjustments of civil monetary penalties assessed or enforced by OSHA and other agencies within the Department of Labor in 2020.

### OSHA's penalty increases for workplace safety and health violations include:

- For a willful violation, in which an employer knowingly failed to comply with an OSHA standard or demonstrated a plain indifference for employee safety, the minimum penalty increases from \$9,472 to \$9,639 and the maximum penalty increases from \$132,598 to \$134,937;
- For each repeated violation for an identical or substantially similar violation previously cited by the agency, the penalty ceiling rises from \$132,598 to \$134,937;
- For each serious violation for workplace hazards that could cause an accident or illness that would most likely result in death or serious physical harm, the maximum penalty increases from \$13,260 to \$13,494;
- For each other-than-serious violation, the maximum penalty increases from \$13,260 to \$13,494;
- For each failure to correct violation, the maximum penalty increases from \$13,260 to \$13,494; and
- For each posting requirement violation, the maximum penalty increases from \$13,260 to \$13,494.

The new penalty amounts take effect immediately, applying to any penalties assessed after January 15, 2020.

## Registration for SUBExcel 2020 Available March 4-7, 2020 in Las Vegas, NV

### SUBExcel is OPEN TO ALL ASA MEMBERS!

SUBExcel is American Subcontractors Association's annual meeting, the perfect place for you to join YOUR association working hard for the needs of construction subcontractors, specialty trade contractors and suppliers. Perks of attending SUBExcel include:

Get proven business tips from acclaimed speakers that will transform your company and your bottom line to succeed in today's construction markets.

Learn about the latest productivity-enhancing products and services provided by ASA exhibitors.

Enjoy the luxury hotel accommodations.

Enjoy special events, including the ASA President's Welcome Reception and the Final Reception & Banquet. Take a deeper look at your industry, your chapter, and your association and be part of mapping our industry's path forward in ASA's task force, committee and council meetings. And much more!

Today's economy is changing at an ever-increasing pace, and business owners need to be prepared for both the successes and the obstacles of the future. Making sure your business is financially sound is crucial in today's competitive market, and ASA wants to help you be as strong as you can be for the years ahead.

In keeping with this idea, the theme of SUBExcel 2020 will be "The Economy Moving Forward". Several education workshops will focus on strengthening your business financially for the future.

### **VISIT THE ASA NATIONAL WEBSITE:**

**[asa.events.idloom.com/subexcel2020](https://asa.events.idloom.com/subexcel2020)**

**for convention information and to register  
to attend SubExcel in Las Vegas, NV!**

## OSHA Issues Warning About Headphones

Listening to music may be fun, but it's not a good idea while working at a construction site.

If awareness is a powerful ally of workplace safety, distractions are its enemy— including the use of headphones to listen to music on dangerous job sites like construction projects, according to the Occupational Safety and Health Administration (OSHA).

"Listening to music may produce a safety hazard by masking environmental sounds that need to be heard, especially on active construction sites where attention to moving equipment, heavy machinery, vehicle traffic and safety warning signals may be compromised," the agency declared.

OSHA's position on the question was contained in a letter of interpretation that it issued last fall in response to an employer's query about its employees listening to music this way on a construction site. Although there is no specific OSHA regulation that prohibits the use of headphones on a construction site or any other workplace, the agency has set permissible noise exposure limits and requires employers to protect employees subject to sound levels exceeding these limits.

OSHA's Hearing Protection standard requires that ear protective devices be provided by the employer and used wherever necessary to reduce noise levels below acceptable limits set out by the agency in [Table D-2](#) of its regulations. These standards for acceptable exposure limits sound range from eight hours a day for 90 decibels to a quarter hour or less per day for 115 decibels.

"A portable music player is not a substitute for hearing protection," OSHA explains.

The reason for not allowing employees to listen to music while working should be crystal clear, OSHA says. "Listening to music may produce a safety hazard by masking environmental sounds that need to be heard, especially on active construction sites where attention to moving equipment, heavy machinery, vehicle traffic and safety warning signals may be compromised."

However, OSHA admitted that it has no regulations that specifically ban the use of headphones. As a result, the use of headphones by workers on a construction site may be permissible at the discretion of management, unless such use creates or augments other hazards apart from noise.

But this may not be such a good idea, the agency explains, pointing out that struck-by hazards are one of the four leading causes of death in construction. "It is the employer's responsibility to ensure that employees are not exposed to struck-by hazards while performing their work," it stresses.

Even in the absence of a specific regulation regarding use of headphones, employers still could face enforcement actions if OSHA finds that they have violated the General Duties Clause, which requires all employers to maintain safe workplaces.

"The key takeaway from the letter is that employers must address employee use of headphones to listen to music on the worksite, even if there is not a specific OSHA standard prohibiting it," states attorney Trevor L. Neuroth of the law firm of Jackson Lewis PC. "Employers should evaluate their worksites and determine whether a policy prohibiting listening to music on the job is appropriate."

It is not at all unusual for contractors to not allow their workers to listen to the radio or music on the job, much less with headphones or earbuds, says David E. Dubberly, an attorney with the law firm of Nexsen Pruet. "It is important for workers to be able to hear equipment starting and stopping, warnings, alarms, and verbal directions from co-workers and supervisors. The same concerns apply in manufacturing environments."

The same employer who queried OSHA about headphone use also noted that some of the headphones are equipped with a built-in volume limiter and are marked as "OSHA approved" for use in the workplace.

Although some manufacturers may claim that their products are "OSHA approved" or "100% OSHA compliant," the agency stressed that OSHA "does not register, certify, approve, or otherwise endorse commercial or private sector entities, products or services. Therefore, any such claims by a manufacturer are misleading."

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