

**ALL EVENTS SUBJECT  
TO CANCELLATION  
OR POSTPONEMENT!**

**AUGUST**

**August 6**  
**ASA Quick Hits**  
*Virtual Round Table*

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

**August 20**  
**ASA Quick Hits**  
*Virtual Round Table*

**SEPTEMBER**

**September 3**  
**ASA Quick Hits**  
*Virtual Round Table*

**September 16**  
**Monthly LUNCH Meeting**  
*Syberg's on Dorsett*

**OCTOBER**

**October 5**  
**ASA Golf Tournament**  
*Whitmoor Country Club*

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

**AUGUST 2020**

As I look both back at our online ASA Midwest Calendar of Events for the summer months, it shows a picture that, relative to previous years, our schedule is anything but “business as usual”. Through more frequent webinars and virtual small roundtable format meetings, there have been opportunities to learn and have discussions on timely topics such as: Maneuvering Through Economic Construction Cycles, Cash Flow, Reopening Worksites, PPP Guidelines, Best Practices, Economic Forecast (with Kevin Kliesen of the STL Federal Reserve), Safely Returning to the Workplace.

Thank you to Susan Winkelmann and our committees, particularly the Programs/Education committee, for your creativity and persistence to make these happen. There is something offered for everyone, and the meeting content is sure to provide timely information, the opportunity to ask questions, contribute and share, and/or learn something new. These virtual sessions are intentionally scheduled to be shorter in duration, keeping in mind everyone's busy schedule during the workday.

This past month, ASA Awards Ceremony was carried on in fine ASA tradition, although “virtual” this year (due to the five-letter word, of course). The annual ASA awards dinner is considered by many as the greatest annual industry event in the area (or more simply known just as “THE EVENT”). I look forward to it every year with so much anticipation. This year, I missed having a fine libation out on the 8<sup>th</sup> floor veranda, overlooking the Mississippi, while catching up with many longtime and new industry friends. (I also missed the dinner and dessert!). I am pleased, and it is very important, that we're carrying on the custom of recognizing outstanding safety performance, top subcontractors, suppliers and associates, exceptional GC personnel, and present the coveted “GC of the Year” awards to the most deserving GC recipients, as determined by our members. While we missed out on the annual grandeur of the dinner and ceremony, the significance of these awards is not diminished one iota. Sincere congratulations to all nominees and winners!

“Quick Hits” virtual round tables will continue to be conducted. I urge our members to take a half hour, maybe while eating lunch, and give these a try as you see topics pertinent to your business. The number of attendees has been purposefully optimized to get many perspectives on topics but allow interactions to stay conversational in nature. We encourage your feedback and ideas for new topics.

Looking forward, the events calendar offers some glimpses of normalcy. Being prudent in our precautions and following St. Louis County guidelines, the August membership dinner will be in person at Syberg's for the first time since early spring. Also, I am extremely excited that we are having our Annual ASA Golf Tournament on Monday, October 5th (which, like the Awards Dinner, is AKA “THE EVENT”). As it has been selling out, please do not wait to register if you don't want to risk missing it.

While many of us are settling into conducting business in new ways, there is much uncertainty ahead, and there will undoubtedly be new unforeseen challenges. There is so much new to worry about. Varying school schedules for our kids, dealing with increased cases of “the five-letter word” around our offices and at our jobsites, and keeping our businesses productive and profitable are just a few examples. One can lose proper perspective, or it can be said that it can be difficult to “see the forest through the trees”. Waiting and hoping things will change back to normal overnight is not the solution. I offer that staying engaged with our ASA members can only help. Whether getting into our “Quick Hits” small group discussions or picking up the phone and calling a peer as a sounding board, keeping in contact can provide support and ideas for dealing with new challenges. My hope is that, through continued collaboration, we can continue to evolve, and all emerge much stronger on the other side of this.

Richard A. Russell, Sachs Electric  
President, ASA Midwest Council | [rrussell@sachscsco.com](mailto:rrussell@sachscsco.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.

**IT IS DUES RENEWAL TIME!**

**Membership Dues Renewal invoices were sent out in May/  
reminders June/July from our national organization**

**Dues payment for 2020-21 was due July 1, 2020**

ASA Midwest Council membership is only \$845 per year or \$72 per month

**Did you know ASA membership is a company membership &  
includes all employees of your company for one rate?**

**RENEW YOUR MEMBERSHIP TO RETAIN ACCESS TO ALL THE  
MEMBER ONLY BENEFITS OF ASA MEMBERSHIP!**

**Questions or need a copy of your invoice?  
[susan@asamidwest.com](mailto:susan@asamidwest.com) or 314.845.0855**

**AUGUST 2020  
Monthly DINNER Meeting**

***Syberg's on Dorsett***  
***Wednesday, August 19th 2020***  
***5:30 to 7:30 p.m.***

Mark your calendar, and register to join us for our **FIRST in person** monthly DINNER meeting on August 19th 2020 at 5:30 p.m.

We will meet, following social distancing guidelines & all local and state safety requirements. MASKS will be required at the meeting, in order to protect all in attendance. Attendee safety is our top priority!

**AT THIS MEETING, WE WILL DISTRIBUTE ALL AWARDS ANNOUNCED DURING OUR VIRTUAL AWARDS CEREMONY ON JULY 29TH!**

Our speakers for the evening will be our 2020 GC of the Year Award Winners:

**SYBERG'S ON DORSETT**  
**2430 Old Dorsett Road**  
**Maryland Heights, MO**

**MEETING AGENDA:**

BPI (business practice interchange)    5:30 to 6:00 p.m.  
Networking & Cocktails                      6:00 to 6:30 p.m.  
Dinner & Announcements                  6:30 to 7:00 p.m.  
Program-3 GC of the Year Winners 7:00 to 8:00 p.m.

**BPI Companies:**

Brinkmann Constructors, BBI Constructors, CBRE, HOF Construction, PPM (Partnership Property Management), Pernikoff.

*Registration includes hosted bar & dinner & Program.*

**\$42 ASA Members**

**\$65 Non ASA Member**

**Register online-www.asamidwest.com**  
**by Friday, August 14th 2020.**

*(Attendees not cancelled by 7.14.20. will be charged per ASA cancellation policy. No refund after 7.14.20., but you may always send someone in your place if you are unable to attend.)*

**2020-21**  
***ASA Midwest Council***  
***Officers & Directors***  
***(Terms July 1, 2020-June 30, 2021)***

**Officers:**

***President***

***Rích Russell, Sachs Electric Co.***

***Vice President***

***Chris Sauer, T J Wies Contracting***

***Secretary***

***Dan Tucker, MC Service***

***Treasurer***

***Mark O'Donnell, Schmersahl Treloar & Co.***

***Immediate Past President***

***Tom Henson, Affton Fabricating & Welding Co.***

**Directors:**

***Steve Cummins, Bell Electrical Contractors***

***Rose Kastrup, CSA Advisors***

***Dennis Voss, Golterman & Sabo***

***Bill Grant, Grant Contracting***

***Scott Meyer, Meyer Painting Co.***

***Ryan Spell, Precision Analysis Inc.***

**Chapter Attorney**

***Richard Stockenberg,***  
***Sandberg, Phoenix, & von Gontard***

**Executive Director**

***Susan Winkelmann***

## **Old Problem-New Twist**

### **A Different Type of Withdrawal from the General Contractor's Secret Savings Account**

*Richard A. Stockenberg-Chapter Attorney  
Sandberg Phoenix  
rstockenberg@sandbergphoenix.com*



Often when it is time to close out a project, the Sub learns for the first time that the general contractor has a Secret Savings Account (“SSA”) fictitiously and fully filled with deposits of back charges and other claims against the Sub. It is remarkable how frequently the amounts of these hitherto undisclosed claims stored in the SSA coincidentally and conveniently approximate the amounts due to the Subs. Such a set of circumstances - if transformed into the narrative of a story - would not make good literature because coincidence is not supposed to move the plot.

Whether the close relationship between the amount of the Sub’s claim and the GC’s final balance in its SSA is coincidental or not, this problem is all too common and of concern. Because GCs typically deposit claims arising out of the current project into their SSA, Subs are well advised to use contract language that requires the GC to give prompt notice to the Sub of all alleged back charges with a reasonable opportunity to cure. Also, there should be a provision saying no back charge shall be valid or enforceable unless billing is rendered no later than, for example, the 15<sup>th</sup> day of the month following the month in which the back charge was incurred.

#### ***Cross Contractual Set-Off – A Different Twist***

However, a different twist appears when the GC does not limit its claims to only back charges arising out of the current project, but also asserts defenses arising out of other contracts between the GC and the Sub. For example, suppose the GC and Sub have more than one project together that have not been closed out. What can happen is that when it is time to close out Project No. 2, the GC raises the issue of deducting from the amount due on Project No. 2 the amount of a claim the GC is asserting against the Sub arising out of Project No. 1. Such a practice is called “Cross Contractual Set-Off.”

Obviously, before signing Subs should carefully review their subcontract agreements and make every effort to excise when possible such overreaching clauses. Unfortunately, Missouri – unlike other states, e.g. Virginia – does not have a statute that outlaws cross contractual set-off clauses.

However, one possible way around a cross contractual set-off clause – though untested – is by relying on the language of Missouri’s landmark retainage statute. In 2002, we drafted the language of that statute so that all sums, *not just the traditional 10% retainage*, withheld by an upstream party – owner - are held *in trust* for the benefit of the party at whatever tier who has earned the funds. If funds are held *in trust*, then they may not be used for any purpose other than the original one. The use of a trust fund theory should eliminate the use of “global accounting” where debits/credits on different projects or accounts are inter-mingled.

#### ***What About the Surety?***

Suppose the GC has a valid claim against the Sub arising out of Job No. 1, but the Sub has a valid claim against the GC on Job No. 2. Further assume Job No. 2 is bonded with a corporate surety. When the Sub makes a claim against the Surety on Job No.2 will that Surety be able to argue that because the Surety “stands in the shoes” of the GC that it can defend the Sub’s claim on the basis of the validity of the GC’s claim against the Sub arising out of Job No. 1? Probably not. Why? While it is true the Surety is entitled to the “defenses” of the GC, the legal technicality is that “Set-Off” is not a defense. Under Missouri law, Set-Off is an independent action that must be asserted as a sword, not as a defensive shield available to the Surety.

#### ***Takeaways***

Eliminate the GCs’ Secret Savings Accounts by requiring GCs to give prompt notice of all back charges and they should be billed monthly.

Do not sign subcontracts allowing for cross contractual set-off. Each contract should stand on its own.

Money earned and withheld from your payments is considered money held in trust for your benefit.



Please join us for the 33rd Annual

# ASA Midwest Council Golf Tournament

October 5, 2020 | Whitmoor Country Club | 11:30 am. Tee Time

*Reservations Required • Sponsorships Available*

**All-Inclusive Registration:**  
 GOLFER GIFT • LUNCH • COURSE GAMES • COURSE BEVERAGES • DINNER • COCKTAIL HOUR

Visit [asamidwest.com](http://asamidwest.com) to register.  
[susan@asamidwest.com](mailto:susan@asamidwest.com) or (314) 845-0855 for additional details.

Building.  
Community.

# THANK YOU

to the **MEMBER COMPANIES** that attended our recent monthly meeting!

Affton Fabricating & Welding  
 American Steel Fabrication,  
 Aschinger Electric  
 Bangert Computer Systems  
 Bazan Painting Co.  
 BluSky  
 Brown Smith Wallace, LLP  
 CarsonAllaria  
 Wealth Management  
 CK Power  
 CSA Advisors  
 ELCO Chevrolet Cadillac

Enterprise Bank & Trust  
 Fabick Rents  
 Foreman Fabricators  
 George McDonnell & Sons  
 Golterman & Sabo  
 Guarantee Electrical Co.  
 Ideas4promos  
 Irwin Products, Inc.  
 J.D. Kutter  
 Jarrell Contracting  
 Johnson Controls  
 Knapheide Truck Equipment

Lawrence Fabric & Metal  
 Structures  
 Lizmark Branded Solutions  
 Luby Equipment Services  
 Marketeer  
 MC Service  
 Montgomery Bank  
 Nu Way  
 O.J. Laughlin Plumbing Co.  
 Pipe and Duct Systems, LLC  
 Pirtek Overland  
 Plumbing Planning Corp.

Precision Analysis, Inc.  
 RubinBrown LLP  
 Sachs Electric  
 Sandberg Phoenix  
 Schmersahl Treloar & Co.  
 Seal the Deal Too  
 SFW Partners, LLC  
 Show Me Industrial Services,  
 Sikich, LLP  
 Sunbelt Rentals  
 T J Wies Contracting  
 UHY LLP  
 Vee-Jay Cement Contracting



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



<b><i>August 6</i></b>	<b><i>ASA Quick Hits-Virtual Round Table Discussion</i></b>
<b><i>August 19</i></b>	<b><i>Monthly Membership DINNER Meeting Syberg's on Dorsett or Virtual</i></b>
<b><i>August 20</i></b>	<b><i>ASA Quick Hits-Virtual Round Table Discussion</i></b>
<b><i>September 3</i></b>	<b><i>ASA Quick Hits-Virtual Round Table Discussion</i></b>
<b><i>September 16</i></b>	<b><i>Monthly Membership LUNCH Meeting Syberg's on Dorsett or Virtual</i></b>
<b><i>October 5</i></b>	<b><i>ASA Midwest Council Golf Tournament Whitmoor Country Club-</i></b>
<b><i>December 9</i></b>	<b><i>15th Annual Member Only Casino Night Holiday Party Syberg's on Dorsett-Subject to Change</i></b>

***VISIT [WWW.ASAMIDWEST.COM](http://WWW.ASAMIDWEST.COM) TO REGISTER FOR ANY OF THE ABOVE EVENTS!***  
***Event registration 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!***



# CONGRATULATIONS TO OUR 2020 Disco Ball Awards Gala Winners!

*On March 28th our Disco Ball Awards Gala was cancelled due to COVID-19, so on July 29th we held a virtual celebration to honor our award nominees & to announce this year's winners! 2020 was the 27th year of recognizing the best of the best in the STL construction industry.*

## Congratulations to our 2020 winners listed below:

### General Contractor of the Year

#### Category A

BSI Constructors

#### Category B

McGrath & Associates

#### Category C

BEX Construction Services

### MEP Subcontractor

#### Category A

PayneCrest Electric

#### Category B

Boyer Fire Protection

### Specialty Subcontractor

#### Category A

Vee-Jay Cement Contracting

#### Category B

Golterman & Sabo

### Service Provider/Supplier

J D Kutter

### GC Office Employee of the Year

Steve Cronin, Tarlton Corporation

### GC Field Employee of the Year

Jeff Bueckendorf, BEX Construction Services

### 2019 Safety Award Winners

Div. I	Murphy Company
Div. II	Vee-Jay Cement Contracting
Div. III	Professional Installers, Inc.
Div. IV	BAZAN Painting Co.
Div. V	Parkway Construction Services
Div. VI	George McDonnell & Sons

### ASA Safety Cup Award Winner

Murphy Company



**Save the date!**

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**SUB Excel**

FEB 24-27 2021

*Miramar Beach, Florida*

*Onward!*

**Charting the course for unity,  
growth, and prosperity**



[subexcel.com](http://subexcel.com)



**Info Hub**

## **DID YOU KNOW?**

Check out the **Info Hub** on the ASA National Website for extra member benefits included in your membership!

**[www.asaonline.com](http://www.asaonline.com), then member login to access the **Info Hub****

A few Areas to visit in the Info Hub Include:

- √ **Resources section.** There are hundreds of documents in the Resources section of the **Info Hub** that include critical COVID-19 information, sample contract language, negotiating tips, archived webinars, and so much more.
- √ **ASAdvantage.** In the Info Hub, there is a link to our ASAdvantage program. Members should spend time looking through what is available. Includes programs to save money with Office Max, UPS, Lenovo, Verizon Wireless, as well as discounts on software, and many other cost savings discounts.

**You must login to the ASA National website to access the **Info Hub**, and your login is different than your local ASA Midwest Council login information. If you need assistance logging in, please contact: Loni Warholic: [lwarholic@asa-hq.com](mailto:lwarholic@asa-hq.com) for your login information.**



In a normal year, there would be little news coming out of Jefferson City in the middle of the summer months. As we all know, this has been anything but a normal year.

As the coronavirus fallout continues, Governor Parson announced his first round of budget withholds for the current fiscal year which began on July 1. In his June 30 announcement, the Governor placed restrictions on nearly \$450 million, affecting most every department in state government. Parson said he hopes to restore many of the cuts if the economy rebounds during the coming months.

In addition to the coronavirus affect, a rise in violent crime, protests, and clashes with police have been at the forefront of topics at the Capitol as well as across the state and nation. St. Louis and Kansas City have made national headlines because of a steady increase in murders and shootings in recent months. This has led to the Governor to call for a special legislative session to begin on July 27, in an effort to combat the rising crime rate. Parson outlined six items in his call, including police residency requirements, juvenile court certification, witness statement admissibility, establishment of a witness protection fund, strengthening the endangering the welfare of a child statute, and strengthening the unlawful transfer of weapons statute. While discussions are underway with legislative leaders, many of the Governor's priorities appear to have a bumpy road ahead, at best.

The Governor and his staff have completed their review of bills that passed during the 2020 legislative session which concluded on May 15. Pursuant to the constitution, Parson was required to take action on all appropriations bills prior to June 30. Additionally, he was required to either sign or veto all policy related bills by July 14. In the end, the Governor signed 42 bills into law this year, including 19 appropriations bills. While the Governor made several line-item vetoes in the appropriations bills, he only vetoed two policy bills. The two bills vetoed were HB1854, which covered 37 different provisions dealing with local governments, and SB718, which deals with several provisions regarding military service members.

One of the primary reasons for the veto of HB1854 was language that would have modified the establishment of TDD's and CID's. Numerous local government officials expressed concerns that the provision would have likely ended new projects in these areas. Legislators will have the opportunity to override any vetoes during the annual veto session in September. There has been no word if any overrides will be attempted.

Rounding out the news is the upcoming Primary Election to be held on Tuesday, August 4. There are many close primary races being watched around the state. However, there are several in the St. Louis area. Currently, one of the most closely watched races is the Democratic primary in Senate District 5 in St. Louis, where current Representative Steven Roberts is facing Alderwoman Megan Green and Michelle Sherod are battling it out to replace Sen. Jamilah Nasheed who is termed out.

Also worth watching, is the Republican primary in Senate District 3, covering Jefferson, Washington, St. Francois, Ste. Genevieve, Iron, and Reynolds Counties. The race pits current State Representative Elaine Gannon against political newcomers Kent Scism and Josh Barret. This seat was previously held by termed out Sen. Gary Romine who resigned early to take an appointment.

Regardless of the results in the August Primary and the subsequent General Election in November, Republicans are expected to maintain a large majority in the State House and Senate. The outcome of some races, however, could alter the personality of the Senate going forward.

We will continue to keep you updated on election results, special session news, and other political happenings in Jefferson City and around the state. Thank 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  
The Fletcher Company  
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.  
Hager Companies  
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  
Mold Solutions  
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  
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 or 314.845.0855*

## **SAFETY**

**Congratulations to all of our 2019 Safety Award Winners: Div. 1-Murphy Company**  
**Div. 2-Vee-Jay Cement Contracting Co.**  
**Div. 3-Professional Installers, Inc.**  
**Div. 4-Bazan Painting Co.**  
**Div. 5-Parkway Construction Services.**  
**Div. 6-George McDonnell & Sons.**  
**A special congratulations to our 3rd Annual Safety Cup Award Winner-Murphy Company!**

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**

The Committee has recently completed its review of the form used by Holland Construction Services of Swansea, IL. The form is a **modified** version of an old form approved in 1994 by ASA.

This review is now available to our members along with the reviews of scores of other subcontracts maintained in our library.

We maintain a library of subcontracts available for your use as you negotiate subcontract terms. We focus on GCs who work in our area. If you have seen a new subcontract form put in use by a GC for work in the area and think it should be reviewed for future use by our members, please submit it to us. All we ask is that the form be submitted in WORD format for easy editing for the committee.

Whenever a member asks for a copy of any subcontract that has been reviewed, we ask for feedback indicating what, if any, changes the subcontractor was able to obtain. If you would like to work on this committee, please let us know. We meet, as needed, on the second Wednesday of each month at Sachs Electric.

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**

During these uncertain times, our goal is to continue to provide relevant programming to all our members. We have recently started a series of virtual round table discussions called **ASA Quick Hits**, to help members share ideas and best practices, as we transition through the summer months and into the fall. If you have suggestions for future ASA program topics, please contact our Programs Committee Chair: Chris O'Hagan, [chris@jdkutter.com](mailto:chris@jdkutter.com)

## Get the Most Out of Your ASA InfoHub

The InfoHub is an incredibly robust library of documents and resources available to ASA Members ONLY! New resources are being added regularly, and we highly encourage all members to take advantage of one of the best parts of your ASA membership. Never used the InfoHub? Now is the time to start!

One of the most recent additions is the "Subcontract Documents Suite 2020". This robust document includes:

- ASA Subcontractor Bid Proposal, including Instructions page, form for completion and conditions of the bid proposal
- ASA Wrap-Up Insurance Bid Conditions
- ASA Subcontract Addendum, including Instructions page and form for completion
- ASA Wrap-Up Insurance Subcontract Conditions
- ASA Short-Form Subcontract Addendum

In addition, you can find the "Subcontractor Negotiating Tips: A Compilation". This comprehensive guide includes information on:

- Scope of Work
- Subcontractor's Responsibilities
- Contractor's Responsibilities
- Progress Schedule
- Changes
- Payment
- Indemnity, Insurance, and Bonds
- Suspension Notice to Cure, and Termination Dispute Mitigation and Resolution

All of these documents are incredibly important to all subcontractors. If you aren't using the InfoHub, you are missing out on one of the key benefits of your ASA Membership.

To access the InfoHub, click the "Member Login" button at the top of [www.asaonline.com](http://www.asaonline.com), log in to your account, and then select "Resources" from the menu on the left side of the screen. Once there, use the search bar to locate documents, ASAToday, archives, and much more!

## Apply for ASA Awards Today!

Each year, ASA gives individuals, companies, and chapters the opportunity to apply for ASA Awards. These prestigious awards are a way to highlight those in the subcontracting community who are shining examples of excellence.

ASA is proud to announce a **NEW AWARD THIS YEAR**, the National Annual Safety Award! This award represents ASA's commitment to safety and safety education. Being nominated for this award is a significant honor in your community and among your peers. Each chapter can nominate ONE company for the ASA National Safety Award. All nominations will be displayed at ASA's National SUBExcel Conference where each nominee will receive recognition on a National Level.

### Other exciting awards available are:

- ASA Certificate of Excellence in Ethics
- ASA National Construction Best Practices
- President's Award
- Subcontractor Federal and State Advocate
- Attorney's Council Awards
- John H. Hampshire Distinguished Lifetime Service Award
- Timmy L. McLaughlin Exemplary Leadership
- ASA Outstanding Service Award
- ASA Chapter and Chapter Leadership Award

To apply for any of the above awards, visit <https://www.asaonline.com/awards/>

All award winners will be announced at the ASA Annual SUBExcel convention.

The 2021 convention will be held February 24-27, 2021 in Miramar Beach, Florida



# COVID-19 Guidance for the Construction Workforce

OSHA is committed to protecting the health and safety of America's workers and workplaces during these unprecedented times. The agency will be issuing a series of industry-specific alerts designed to keep workers safe.

When working in the construction industry, the following tips can help reduce the risk of exposure to the coronavirus:

- Encourage workers to stay home if they are sick.
- Allow workers to wear masks over their nose and mouth to prevent them from spreading the virus.
- Continue to use other normal control measures, including personal protective equipment (PPE), necessary to protect workers from other job hazards associated with construction activities.
- Advise workers to avoid physical contact with others and direct employees/contractors/visitors to increase personal space to at least six feet, where possible. Where work trailers are used, all workers should maintain social distancing while inside the trailers.
- Train workers how to properly put on, use/wear, and take off protective clothing and equipment.
- Encourage respiratory etiquette, including covering coughs and sneezes.
- Promote personal hygiene. If workers do not have immediate access to soap and water for handwashing, provide alcohol-based hand rubs containing at least 60 percent alcohol.
- Use Environmental Protection Agency-approved cleaning chemicals from List N or that have label claims against the coronavirus.
- To the extent tools or equipment must be shared, provide, and instruct workers to use alcohol-based wipes to clean tools before and after use. When cleaning tools and equipment, workers should consult manufacturer recommendations for proper cleaning techniques and restrictions.
- Keep in-person meetings (including toolbox talks and safety meetings) as short as possible, limit the number of workers in attendance, and use social distancing practices.
- Clean and disinfect portable jobsite toilets regularly. Hand sanitizer dispensers should be filled regularly. Frequently touched items (i.e., door pulls and toilet seats) should be disinfected.
- Encourage workers to report any safety and health concerns. For more information, visit [www.osha.gov/coronavirus](http://www.osha.gov/coronavirus) or call 1-800-321-OSHA (6742). OSHA issues alerts to draw attention to worker safety and health issues and solutions.



## How Hot is Too Hot?

Occupational heat exposure is a combination of many factors. Body heat results from the equilibrium of heat gain, from internal work and outside addition, and heat loss, primarily from evaporative cooling, i.e., sweat evaporation. Contributors include:

- √ Physical activity
- √ Air temperature
- √ Humidity
- √ Sunlight
- √ Heat sources (e.g., ovens or furnaces, heat-absorbing roofs, and road surfaces)
- √ Air movement
- √ Clothing that hampers the body's ability to lose excess heat, such as protective gear
- √ Individual/personal risk factors, (e.g., pre-existing health conditions and lifestyle)

## Heat Hazard Recognition

There are many factors that have a role in creating an occupational heat stress risk to workers. These factors include:

- √ Environmental conditions (such as air temperature, humidity, sunlight, and air speed), especially on sequential days.
- √ Presence of heat sources (e.g., hot tar ovens or furnaces) in the work area.
- √ Level of physical activity, i.e., the workload leading to body heat production.
- √ Use of clothing or protective gear that can reduce the body's ability to lose excess heat.
- √ Individual/personal risk factors.

**You should consider the above factors when evaluating heat stress risk to workers.**

Heat-related illness prevention starts by determining if a heat hazard is present in the workplace.

Two heat sources contribute to the risk of heat-related illness.

1. Environmental heat is produced by warm or hot surroundings.
2. Metabolic heat, generated by the body, is related to workload (physical activity).

To determine workers' total heat stress, employers must assess both of the above heat sources.

Employers should compare the total heat stress to published occupational heat guidance. This step allows employers to determine if the work conditions are too hot. Employers should be aware of any heat advisories from the National Weather Service. They should know that workers may experience heat stress at temperatures much lower than public heat advisories.

Remember: Physical labor increases the heat experienced by workers.

INTERESTED IN SPONSORING AN UPCOMING MEETING?  
ONLY \$250-CONTACT [SUSAN@ASAMIDWEST.COM](mailto:susan@asamidwest.com) FOR DETAILS!

## ***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)

**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)

### **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)  
314 845-0855

# 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 \$420/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

## REGISTER TODAY



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