

OCTOBER 2011

October

October 3

Golf Tournament—
Norwood Hills C.C.

October 6

Contract Clause Seminar—
Gallop, Johnson & Neuman

October 11

Quarterly Luncheon Mtg.—
Alberici Constructors

October 19

Monthly Business Mtg.—
Syberg's on Dorsett

November

November 3

Contract Clause Seminar—
Gallop, Johnson & Neuman

November 8

Social Network Seminar—
Enterprise University

November 16

Monthly Business Mtg.—
Viking Conference Center

December

December 1

Contract Clause Seminar—
Gallop, Johnson & Neuman

December 21

Casino Night—
Syberg's on Dorsett

Since July, one of my favorite things about being President of ASA Midwest Council has been talking with subcontractor owners and supplier owners about their businesses. One topic seems to always come up in the conversations. I am most certain all of our non-construction professionals; our CPA's, insurance brokers, consultants and others, eventually make the same observation: Most contractors are amazingly adept at building a structure and running field operations. But, when it comes to running a business—crunching numbers, being financially savvy, using data from reports—many are inexperienced. Most of you are too busy chasing new jobs, have long hours, difficult employees and reams of paperwork to deal with. Most contractors are simply not the “sitting still” type.

With work still scarce and construction growth slow and spotty, owners are becoming nervous and frustrated. Those that find success will be the ones that adapt and improve their processes and/or those that find new and innovative ways to find new customers and retain old ones.

This is where membership in ASA Midwest Council is vitally important. Our programs committee has put together a great lineup of speakers for our monthly meetings designed with topics to help you become a better, smarter business owner. Those speakers will then follow on with a seminar designed to teach and coach you about their area of expertise in a much deeper manner. Additionally, our membership committee has put together a series of luncheons at local General Contractors' offices. Each luncheon will have two to three GC's there for a short panel discussion followed by networking time with their estimators, and pre-con groups. Lastly, Dick Stockenberg has put together a series of five breakfast meetings to discuss Contract Clauses and how to add or delete dangerous contract language.

While finding more work may be your first priority, the most successful contractors understand the “the devil is in the details.” We hope you find these options a valuable resource for your business.

AJ Ford
Budrovich Contracting
President - ASA Midwest Council
314.267.7646

**Syberg's on Dorsett
2430 Old Dorsett Road
Maryland Hgts, MO 63043**

(Directions: Take Highway 270 North to the Dorsett Exit. Make a right and then a left onto Old Dorsett Road. It is next to the Quality Inn.)

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**Interested in Joining
a Committee?
We could use your help.....**

Membership *(Tom Woodcock)*

Programs *(Steve Albart)*

Golf *(Jeff Jordan, Don Aulph)*

Legislative *(Tim Thomas)*

Awards Gala
(Molly Spowal or Rick Swanson)

BBQ
(Kevin Douglas or Rick Williams)

GC Expo *(Walter Bazan)*

Safety *(Mike Sicking)*

Marketing *(Chris Looney)*

Technology *(Brett Hodson)*

Contract Review *(Dick Stockenberg)*

Most committees meet every 4 weeks except during event planning time.

October Monthly Meeting

Make plans to attend the October 19th meeting at Syberg's on Dorsett. Ed Mayuga from AMM Communications will be the guest speaker. He will speak about social media and the importance of incorporating it into your business. He will present the information in more detail at a seminar on November 8 at Enterprise University. Watch your email for further details.

The meeting begins at 5:30 p.m. with BPI starting promptly at 5:45 p.m.

The following general contractors will be discussed at BPI:

- ICS
- BBI Constructors
- Kozeny-Wagner, Inc.
- Tarlton Corporation
- S.M. Wilson & Company

If you would like to add a general to the list for BPI, please come to the meeting and fill out a request (they are anonymous) or call Susan at the ASA office and she can add it to the list. Be sure you have filled out your participation agreement for BPI.

Don't forget that we have a library of general contractors' contracts that our contract review committee has available to members. To request a contract, please call Susan. If we don't have it in the library, we can add it to the committee's To-Do-List.

New Address for ASA

Please update your records to reflect the new address for ASA. Be sure to forward to your accounts payable department:

P.O. Box 510743
St. Louis, MO 63151

Phone and fax will remain the same.

Quarterly Luncheon Meeting

Make plans to attend the Quarterly Luncheon meeting at Alberici Constructor's office on Tuesday, October 11 from 11:30 a.m.—1:30 p.m. S.M. Wilson and Alberici will be co-hosting the luncheon with a brief presentation from both generals and time to network with their staff.

There is a cost of \$25 per person.

This is a great opportunity to get your name and face in front of prominent general contractors in St. Louis.

Reservations are due before October 4.

Welcome Susan Winkelmann Executive Director

Please welcome Susan Winkelmann as your new Executive Director. Susan was hired to replace Reba Gillick and has been training alongside Reba for several weeks.

Susan attended the Champion's Academy in Arlington, VA on September 17-20. She was able to meet many ASA members from around the country and got introduced to ASA National. She will be attending the Welcome Aboard program through National soon.

Susan has many years of sales and marketing experience through Reebok and is skilled in the administrative functions of the job.

Welcome, Susan!

Tom Owens Memorial Scholarship Fund

The Tom Owens Memorial Scholarship Fund is a scholarship program for students who are seniors in high school or entering college and continuing their education. Applications can be obtained by calling Susan at (314) 214-1664 or emailing susan@asamidwest.com and requesting them or visiting our website at www.asamidwest.com (under committees). **ALL APPLICATIONS MUST BE RECEIVED BY DECEMBER 31.**

When You've Cut to the Bone, Start Selling

By: Tom Woodcock, Seal the Deal

Recently I had a running dialogue with contractors on LinkedIn concerning increasing profit margins. I once again was left with my mouth agape as I heard the age-old arguments of cutting costs as much as possible and raising productivity. Though these are truly important aspects of business, the answer to increasing profit margin is defining value all the way to the project owner. This takes sales effort.

When you purchase an item personally, do you not want to know the level of value you're getting for your dollars? Have you ever spent a bit more to get greater value overall? Of course you have, unless every time you go out to eat you do so at McDonald's! A #4 Big Mac meal will fill your stomach as much as that steak and lobster will! Why spend more? Truly, a metaphor but it makes the point.

If you really look at your business, are you not already putting forth a strong effort to perform well on the project and manage your costs as tightly as possible? Are you putting that same level of attention and energy into your sales work? In most cases I'd say probably not. You can only cut so much. Eventually your quality of service will decline, your customers will feel it and your business level will drop.

Not a strategy for success.

Most of the contractors I work with that maintain strong profit margins work extremely hard at their sales effort. They'll tell you sales work is the difference maker. What do you do when you can't cut anymore? When your field performance is impeccable? Where do you go? Not only that, how do you even manage costs and performance when you're not even winning projects. Nope, sell first, cut second!

Though I often feel I'm a lone wolf howling at the moon, I will keep the "Sell First" mantra going. Margin increase doesn't change in a couple months. If you're looking at having an active sales effort produce for your business, be prepared to put in a good year of work in many cases. Is it worth it? How are your margins now?

DIRECTORY UPDATES

Directory letters will be mailed out soon. Please verify the information and return to the ASA office as soon as possible. Directories will be mailed to members and general contractors in early 2012.



Satellite Shelters, Inc. is a Veteran-Owned Small Business that provides new and used, temporary or permanent Mobile Offices and Modular Buildings, to a wide range of industries throughout the United States including construction, industrial, commercial, education, financial, government, special events, and petrochemical.

Mobile Offices are commonly used as temporary Construction Job-Site Offices, but are flexible enough to be used wherever extra space is needed. Use them as ticketing booths during special events, additional sales or administrative offices, conference/meeting areas, space during renovations or even as break areas for employees working at a site.

Commercial Modular Buildings have a wide range of uses including: bank buildings complete with drive-up teller windows, temporary classrooms, training facilities, medical and dental clinics, libraries, cafeterias, and more.

We also offer blast resistant modular units, ground level offices, and storage containers that are used primarily in the petrochemical and industrial markets.

But we're more than just a space provider. We strive to be your 'one-stop-shop' for all of your building needs. From portable toilets, hand-washing stations, and furniture, we have what you need to make your job-site more comfortable and projects run smooth and effortless.

Don't need additional space, but need help refurbishing or relocating your owned buildings? Our dedicated service and support staff is on-call to provide the services that you need; from minor maintenance and repairs to complete interior and/or exterior renovations or upgrades. They are well trained and highly motivated to help you solve any maintenance or service issues that you have.

Satellite Shelters is PICS qualified and GSA approved with an EMR rating within industry standards.

For more information please contact the local St. Louis branch at 636-947-8001, email us at jodiw@satelliteco.com or sues@satelliteco.com, or visit our website at www.satelliteco.com.

THANK YOU

to the following member companies who attended the September Business Meeting:

- | | | | |
|--------------------------------|--------------------------|---------------------------|----------------|
| AHM Financial Group | Freeman Contracting | Midwest Marble/Granite | UHY Advisors |
| Air Masters/Gateway Mechanical | Frost | Montgomery Bank | United Rentals |
| Aschinger Electric | Gallop/Johnson/Neuman | National Fire Suppression | Wolf Law Group |
| Bazan Painting Company | George McDonnell/Sons | Oreo & Botta Concrete | |
| Berkley Surety Group | Grant Contracting | Parkway Const. Services | |
| Budrovich Contracting | Hoette Concrete | Pick Up Outfitters | |
| CNA Surety | Interstate Trenching | RubinBrown | |
| Common Sense Solutions | J.D. Kutter Insurance | Safety International | |
| Daniel & Henry Co. | JJ Construction Services | Schaeffer Electric | |
| Dawson Dodd Heat/Cool | K & D Counter Tops | Seal the Deal | |
| Dynamic Controls | K & K Supply | Seiler Instrument | |
| Enterprise Bank & Trust | Kaiser Electric | St. Louis CNR | |
| Envirotech, Inc. | Kingston Electric | Sun Rental | |
| Erb Equipment | LarsonAllen | Stylemasters | |
| Fenix Construction | Lindberg Waterproofing | Swanson Masonry | |
| | Midwest Aerials & Equip | Tulley Steel & Supplies | |



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CNA Surety is known for its expert underwriting, solid financial strengths, market leadership and creative solutions to all bonding requirements. With a highly diverse product line, one of the broadest underwriting capabilities in the industry, and an unparalleled distribution system, CNA Surety ranks as one of the largest surety companies in the United States.

CNA Surety understands the needs of our customers and strives to be responsive, flexible and focused on satisfying the unique requirements of our customers. We can provide custom-tailored surety solutions to virtually all segments of the market including major trades and specialty subcontractors, regardless of size or circumstances.

The local St. Louis Branch specializes in contract bonds offering bid, performance, payment, maintenance, and supply bonds for contractors in this region. Our branch is staffed with experienced bond professionals who are dedicated to providing superior service and quick turnaround on bid and final bond requests.

We believe that relationships are the core of our business and are built through trust, open lines of communication, and genuine care for the interest of our agents, brokers and clients. This philosophy, plus our flexibility and responsiveness, has led to decades-long relationships with many of our customers. If you would like additional information on CNA Surety, please contact your local insurance agent or feel free to contact Jim Walker (314) 317-3131 or Mike Mustari (314) 317-2388.

GOOD BYE AND THANK YOU...

October 7th will be my last day with ASA. I wanted to thank everyone for the opportunities that you have given to me and my family. I am very grateful to have been your Executive Director for 11 years.

I have met so many nice people and I consider all of you my friends. ASA has always been a very welcoming group who enjoys having fun.

I have seen ASA grow from a small to a large association and you have given a voice to subcontractors. Keep up the good work and I expect to hear you are Chapter of the Year next year.

If you want to keep in contact with me, please use my cell phone (314) 602-9793 and my personal email address gillick.reba@gmail.com.

I don't really want to say good-bye but until I see you next time.

Take Care, Reba Gillick



Contract Review Committee of the ASA-Midwest Council

&

Richard A. Stockenberg of Gallop, Johnson & Neuman, L.C.

present

Contract Clauses – Building and Protecting a Contractual Fortress by Negotiating, Drafting and Avoiding Killer Contract Clauses

a series of educational breakfast seminars

Gallop, Johnson & Neuman, L.C.

101 S. Hanley, Suite 1700

St. Louis, MO 63105

7:00 a.m. – 8:30 a.m.

Continental Breakfast & Parking Included

\$50 Per Session or \$200 Per Series Per Person

If you sign up for the series and unable to attend a date, you may substitute someone else from your office.

~~September 8, 2011 — Scope Letters, Bid Qualifications, Contract Documents,
Incorporation by Reference~~

October 6, 2011 Payment Clauses, Retainage, Final Payment and Lien
Waivers

November 3, 2011 Back Charges and Change Orders

December 1, 2011 Insurance and Indemnity

January 5, 2012 Damages, Termination for Convenience, Arbitration,
Union Clauses, Questions and Answers

Email Susan Winkelmann at susan@asamidwest.com to sign up.

Chapter of the Year

For the 6th time ASA Midwest Council was crowned “Chapter of the Year” at Champion’s Academy on September 18, 2011. The designation is given based upon our chapter self evaluation that is submitted yearly to ASA National. It is awarded based upon chapter events, chapter management, financial management, governance, leadership, membership, legislative activities and legal matters. It is a title that the Board of Directors strive for every year and are very proud of.



The Midwest Council has won this designation more than any other chapter. Great job!

Vince Irwin, Irwin Products, Secretary of Midwest Council, accepted the award for the chapter.

During the Champions Academy, Walter Bazan, Jr., Tim Thomas and Susan Winkelmann attended the Legislative Day at the Capitol and met with the following offices: Rep. Todd Akin, Rep. Lacy Clay, Senator Roy Blunt and Senator Claire McCaskill.

During the visits, several key issues important to the ASA membership were discussed, This included repealing the 3% tax withholding provision. Specifically ASA supports legislation H.R. 674 and S. 164 that would repeal Sec. 511 of the Tax Increase Prevention and Reconciliation Act of 2005.

ASA also supports federal legislation that would require bid listing on federal construction. The construction Quality Assurance Act of 2011, H.R. 1778, would institute bid listing on federal construction by requiring prime contractors on federal construction projects valued at \$1,000,000 or more to list in their bids the subcontractors they intend to use for \$100,000 or more of the work.

We also utilized our time on the Hill to further educate the staff of legislators on the importance of extending Miller Act bond protections to federal construction projects financed by Public-Private Partnerships, or P3s. By making P3s subject to the requirements of the Miller Act, subcontractors would have the payment protections they need in the event of a payment dispute.

We encourage you to attend the next ASA Business Forum & Convention in San Antonio, Texas on March 1-4, 2012.



Tim Thomas, Walter Bazan, Jr. and Susan Winkelmann on Capitol Hill.

The month of September is always a busy month legislatively with the annual Veto Session being held in mid-September as constitutionally mandated. This year a Special Session was called by the Governor to begin in September which lasted the entire month, making this one of the busiest Septembers legislatively speaking in some time.

The Governor made the call for a Special Session to begin on September 6, 2011, to address the following issues that were not able to be ironed out and passed during the 2011 regular legislative session that ended on May 13: (1) St. Louis City Police Department Local Control; (2) Election Law issues (to address the issues in the Election Law bill that the Governor vetoed); (3) Tax Amnesty; (4) an omnibus Tax Credit Reform/Economic Development/Job Creation bill; and (5) Social networking or "Facebook" fix. Out of all the issues contained in the call for the Special Session, the most controversial has been the omnibus tax credit reform/economic development/job creation bill, better known now as Senate Bill 8.

Over the course of the summer, several Senators and Representatives leading the charge on the economic development initiative met to try to hash out the differences between the House and Senate over the economic development and tax credit reform bills. In late August the two chambers thought they had worked through their differences and had a deal while the Governor called a Special Session that was to hopefully last only two weeks. However, we are now over three weeks into the Special Session and it appears that no deal has been worked out and the economic development bill, which must pass in order for any of the other bills included in the Governor's call to pass, appears to be dead.

On September 14, the Senate passed and sent to the House, Senate Bill 8 (the tax credit reform/economic development/job creation bill) which was significantly scaled down from what had originally been considered to be the "deal" made between the two chambers. Since the language contained in Senate Bill 8 was so different from the "deal" made earlier in the summer, the House refused to accept the language passed by the Senate in Senate Bill 8. The House referred Senate Bill 8 to the Economic Development Committee, held a hearing and refused to vote it out of

committee. Both chambers have been working behind the scenes to try come to an agreement on language closer to the "deal" worked out earlier this summer; however, as of newsletter print time, no such compromise has been made and the bill remains in the House Committee. The contention between the two chambers really comes down to three issues: (1) Sunsets on tax credit programs; (2) the level of funding relating to Aerotropolis; and (3) continued funding of the senior circuit breaker program. With each day that passes it appears less likely any deals will be able to be worked out on Senate Bill 8; hence, there is a great likelihood no bills pass during this Special Session as all issues which are part of the Governor's call must be passed if any bill is to pass and become law.

What's next? The constitution provides that a Special Session may last up to sixty days. The House has quit meeting, but not formally adjourned, and has left the door open to the Senate by scheduling technical sessions through the end of September to see if the Senate is willing to continue to find middle ground on Senate Bill 8. If no agreement is reached by the end of September, it is likely one or both chambers will adjourn and this Special Session will end and not produce any bills.

As stated above, the annual Veto Session was held in mid-September. Veto Session is scheduled to give the General Assembly the opportunity to override any bills the Governor has vetoed after the close of the regular legislative session. As you will recall in April, during the regular session, the House and Senate overrode the Governor's veto of the congressional redistricting map. On September 14, the House and Senate held Veto Session, concurrent with the Special Session. Needless to say, Veto Session had far less fireworks than Special Session and ended with no attempt at any veto overrides.

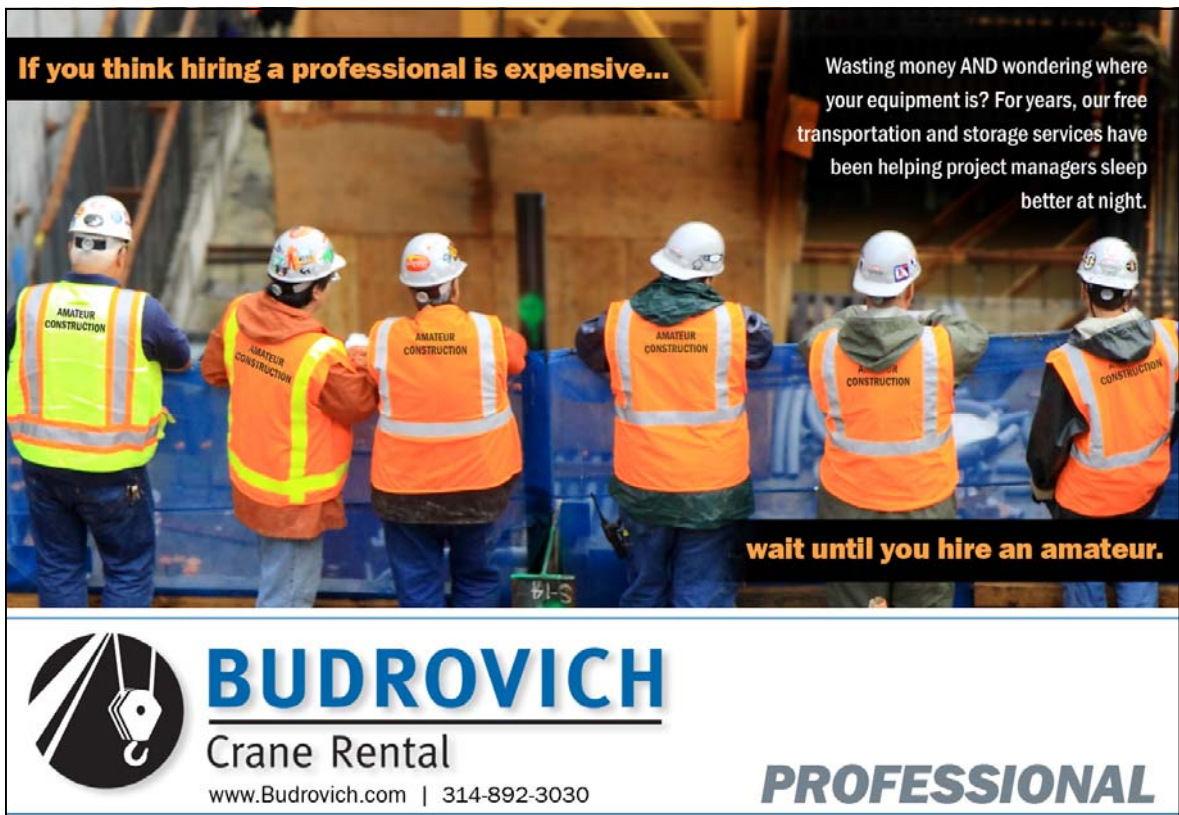
If you have any questions regarding the Special Session or Veto Session, please do not hesitate to contact me. Nikki Strong

What Has ASA Done for RSC Equipment Rental?

Roughly 6 years ago I was asked to go to a meeting to meet prospective customers and some of my competition. I reluctantly accepted the invitation. I walked into the group on that Wednesday evening at Syberg's on Dorsett with a warm welcome by Reba and I was handed a name tag that was pre-made with my name spelled wrong (that's how it was given to me, Jason, LOL!). The person who invited me to the meeting knew the majority of people in the room and began to introduce me.

Everyone was very welcoming and after a few beers I began to settle in and relax. The people were very sincere and genuine. The speaker was someone from the County talking about something I really didn't have an interest in but when I walked away I remembered the people. These people were each and every one of you. After I left my first meeting I began to spread the word about this ASA group I belonged to. I got to know the people better and realized for the first time this was a group that I felt I belonged. I have been to many other meetings with other committees and organizations but this was different. I worked for a different company then and now work for RSC Equipment Rental.


ASA has provided RSC an opportunity to showcase what we do and all the services we offer. ASA has been an outlet for my group to learn more about the members' business and the struggles they face in this challenging market and help come up with solutions to make them safer, more proficient and ultimately more profitable. ASA has allowed us to have some fun. The golf outings, BBQ's and holiday parties are always a blast and give us the opportunity to get to know the people on the personal level. I am proud to have RSC be represented as a member of ASA. The difference from ASA and any other organization is you. Thank you for letting us be a part of a fantastic group of people. I also wanted to publically thank Reba-the heart and soul of the organization. She has always been welcoming, easy to work with and puts up with us calling in at the last minute to attend a meeting or participate in a function. I speak for all of us Reba. We wish you well. (Thank you, Jason!) Jason Harman, District Sales Manager, RSC Equipment Rental



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PROFESSIONAL

Each month you will receive an update on each committee within ASA to keep you informed of what the committees are doing for you. Below are this month's updates.

MEMBERSHIP

The membership committee is in high gear developing new programs to connect your strategic partners to ASA. We are continuing to get the word out of the multiple advantages the association presents. We are also instituting opportunities for new members to present their firms and get ingrained into ASA quickly. We are looking at events that will foster networking, as well as a greater comfort level, for visiting contractors. Each member's help makes a huge difference. See you at the next meeting. Tom Woodcock

PROGRAMS

Programs are listed below for the next few months but are planned through next year. We have confirmed some great seminar topics like strategic planning, social networking and others.

- October Social Networking
- November BJH
- December Casino Night
- January Strategic Planning
- February Economic Outlook

The next committee meeting is November 3rd at 11:30 a.m. at Enterprise Bank. If you have any suggestions for programs or seminars, please let me know. Steve Albart

TECHNOLOGY

Fall is here, the end of the year will be arrive sooner than you expect.

Is it time for a "tune up" for you information system? Does your staff use this tool in the most efficient way possible? Have you performed any "housekeeping" regarding purging and archiving old data recently?

Your information system, isn't quite the same thing as a backhoe or a crane, however, it is an important tool and needs routine maintenance to keep it serving your company effectively.

To maximize the effectiveness of your company's information system, you should plan for

regularly scheduled maintenance and service.

Maintenance can consist of purging obsolete information or archiving valuable information. This can often save time as a system's speed improves. Services in the form of training or creating specialized custom reports can also save time compared to producing information manually in spreadsheets.

Information systems, just like other tools and equipment, can become obsolete over time.

If your system isn't serving your company, maybe it's time for a "tune up" or perhaps it's time to make some changes. For additional information or advice on this subject, please contact Brett Hodson on the technology committee @ bretth@bangertcomputer.com or 314.691.7667.

SAFETY

The Safety committee is currently working on it's very first webinar for the continued safety education of our members. If any of our members think they have a great idea for a safety topic of the month or a webinar topic, please feel free to send Mike Sicking an e-mail. We will reasearch it and then get the information back out to our members!

The safety committee is open to all ASA members and meets the last Tuesday of the month at 4:00 p.m. at Helen Fitzgerald's restaurant on South Lindbergh. Look forward to seeing you there! Mike Sicking

CONTRACT REVIEW

The committee is in the process of reviewing the subcontract of EM Harris. We are also presenting a series of breakfast seminars dealing with Killer Contract Clauses. For further details on subcontracts that have been reviewed or the seminar series, contact Susan Winkelmann, ASA ED. Dick Stockenberg

GC EXPO

Don't forget that Meet the GCs Expo is just around the corner on Wednesday, January 26, 2012 at the St. Charles Convention Center.

Mark your calendars and watch your email for further details. Walter Bazan, Jr.

You Can Help Your Best Customers Earn National Recognition!

When subcontractors recognize elite prime contractors that uphold best practices and refuse to do business according to the “lowest common denominator,” we make a bold statement about how business should be done and set a standard that other primes can strive to achieve. ASA’s new annual National Construction Best Practices Award is the vehicle to make that statement and set that standard.

If you have a prime contractor customer that is committed to superior business practices like prompt payment, encourage your customer to submit an [application form](#) to ASA Midwest Council by Dec. 2. Or, upon your request, Midwest Council can invite the prime contractor to submit the application form. Each prime-contractor applicant will be required to supply three sealed business-practices recommendations from specialty trade contractors that have worked for it during the past year, along with a copy of its standard subcontract, with its application and \$495 application fee.

Midwest Council will then forward the submission for review by the Task Force on Ethics in the Construction Industry, which developed the best practices award. ASA will announce award recipients in January 2012 and will provide national recognition to award recipients during the ASA Business Forum and Convention 2012 in San Antonio, March 1-3.

Display Your Commitment to Ethics With ASA’s Excellence in Ethics Certificate

Has your company established, or is it working on establishing, a corporate ethics program? If so, apply for ASA’s 2011 Excellence in Ethics Certificate and get the recognition your company deserves. The ethics certificate recognizes construction firms that demonstrate the highest standards of internal and external integrity.

Through December 16, construction subcontractors and suppliers may submit applications to join the select group of certificate holders. “The companies that earn the ASA Excellence in Ethics Certificate can proudly display it as a sign of their commitment to ASA values like quality construction and a safe and healthy work environment,” said Shannon MacArthur, MEMCO, Houston, Texas, chair of ASA’s Task Force on Ethics in the Construction Industry, which developed the certificate program and evaluates the applications. “It’s a great way for companies to demonstrate their support of sound business practices and to differentiate themselves from the competition.”

Successful applications must provide documentation of corporate ethics policies and procedures, construction business practices, and general business practices. Applications must also include sealed letters from a customer, a competitor and a supplier attesting to the applicants’ ethical business practices. A complete description of the evaluative criteria, submission requirements, an audio [podcast](#) describing the certificate program, and the official application form are available under the “[Education & Events](#)” section of the ASA Web site.

For model documents to help you establish an ethics program and guidance with your Excellence in Ethics application, view the [Excellence in Ethics Resource Guide](#) on the ASA Web site. Download the Excellence in Ethics Certificate [brochure](#), [application](#) and view a [model timeline](#) to keep your application on track.

What Happens When a Subcontractor Hires a Subcontractor? Protect Yourself Today!

By Mike Sicking, Safety International

Many times a subcontractor will suddenly find they are quickly thrust into the role as "Hiring Contractor" when they subcontract a portion of their contract to a specialty subcontractor because of the nature of the skills required, they are overwhelmed by their initial contract, or maybe it is a situation where a portion of your original contract is being completed by a minority/DBE enterprise. For whatever the reason, the key here is that you have to now think like a General Contractor and appropriately protect your company from safety liability. I give my clients a safety requirements contract that their subcontractors must read, agree to, and formally sign before work can commence on the contract. The agreement is about 9 pages long, but in the spirit of brevity and limited editorial space, I will just try to summarize the more important highlights.

Require a written safety and health plan specific for the project they are about to perform and copies of documented worker training before they commence work.

The safety and health program must at a minimum include and address implementation of the following; to the degree they are applicable to the scope of work: 1. Description of planned work including task hazard breakdown where appropriate; 2. Responsibilities and lines of authority for the planned work; 3. Method for identifying job hazards and control methods; 4. Personal Protective Equipment (PPE) required for the planned work (Note: if respiratory protection is required, a "Respiratory Protection Program" must be included); 5. Employee orientation and required job training; 6. Safety and health inspections; 7. Safety and health goals and expectations; 8. Disciplinary policy for violation of safety rules; 9. Fire prevention and protection including contingency planning; 10. Rules of Conduct and/or standard operating procedures as required for the work; 11. Security and site control measures; 12. Sanitation and on-site medical support services; 13. Owner specified safety requirements; 14. Accident Reporting, Root Cause Investigation, and Corrective Actions; 15. Recordkeeping; 16. Hazard Communication training.

Worker's Compensation & Liability insurance

Request proof of Worker's Compensation as required under applicable laws must be provided and administrated by SUBCONTRACTOR for their employees and agents. CONTRACTOR will not assume any responsibility for the administration of Worker's Compensation insurance, the submittal of reports, processing of claims, or any other related activity. Depending on the size of the project you may request to be named as additionally insured for the duration of their work.

FIRST AID AND EMERGENCY MEDICAL CARE

SUBCONTRACTOR is responsible for providing first aid trained personnel and emergency medical care for its employees and agents, notwithstanding any first aid personnel that CONTRACTOR may have assigned to the project, site, or facility.

SUBCONTRACTOR, at its own risk, may use CONTRACTOR first aid facilities and personnel. Such service is provided on a "Good Samaritan" basis and SUBCONTRACTOR will execute CONTRACTOR hold-harmless agreement prior to obtaining first aid services from CONTRACTOR.

CONTRACTOR will not assume the responsibility for the transportation of SUBCONTRACTOR employees for medical or other

purposes unless specifically included in terms of the subcontract and with the required indemnification agreement.

MINIMUM DRESS REQUIREMENTS

The following minimum dress requirements have been established as a guideline for SUBCONTRACTOR and its employees. It is the responsibility of SUBCONTRACTOR to ensure their employees conform to these or other guidelines acceptable to CONTRACTOR. You can decide ahead of time if any special dress code requirements are needed for the task at hand, or at the very least, industry standards for normal construction attire be adhered to.

PERSONAL PROTECTIVE EQUIPMENT

SUBCONTRACTOR will provide, at its own expense, all required Personal Protective Equipment (PPE) for its employees and all required safety equipment and supplies as needed. SUBCONTRACTOR is required to ensure employees are wearing appropriate PPE as specified in applicable OSHA regulatory standards

INSPECTIONS

SUBCONTRACTOR is responsible for conducting daily and documented weekly jobsite inspections for unsafe conditions and work practices. These should be turned in to you at weekly intervals.

TRAINING

This is a big one that OSHA will usually ask for if they come calling.

SUBCONTRACTOR will provide safety training for its employees at its own expense, and such training will be documented and copies provided to CONTRACTOR upon request.

SAFETY VIOLATIONS

SUBCONTRACTOR is responsible for promptly correcting all violations of safety and health standards, potential hazards, and other such safety-related problems within their area of responsibility. In the event an apparent violation is observed by CONTRACTOR, SUBCONTRACTOR will be notified.

MSDS

MSDS sheets must be submitted. SUBCONTRACTOR will provide to CONTRACTOR copies of Material Safety Data Sheets (MSDSs) for all materials that SUBCONTRACTOR brings on the jobsite.

SIGNATURE AGREEMENT PAGE

Make sure you have written signatory documentation that your subcontractor has read, understood, and agrees to abide by your safety and health regulations.

Like I said, I have tremendously abbreviated the safety regulation agreement to cover the more important points. I hope, at the very least, that this article will get you thinking the next time you hire a subcontractor.

As always, if you have any questions please feel free to contact me at any time. Stay Safe! Mike Sicking, Safety International, LLC

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- Whole Page 1X \$300 Per Issue
- Whole Page Quarterly \$900/Year
- Classified Ads \$15 Per Issue

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American Society of Professional Estimators (ASPE)



Contact Mindy Funk or

Cyndi Walker

(314) 596-7695 or

(314) 781-1422

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