



## OSHA Extends Electronic Reporting Deadline to Dec. 15

To allow affected employers additional time to become familiar with a new electronic reporting system, the Occupational Safety and Health Administration has extended the date by which employers must electronically report injury and illness data through the [Injury Tracking Application \(ITA\)](#) by two weeks to Dec. 15, 2017. OSHA's final rule to Improve Tracking of Workplace Injuries and Illnesses requires certain employers to electronically submit injury and illness information they are already required to keep under existing OSHA regulations. The following OSHA-approved State Plans have not yet adopted the requirement to submit injury and illness reports electronically: California, Maryland, Minnesota, South Carolina, Utah, Washington and Wyoming. Establishments in these states are not currently required to submit their summary data through the ITA. OSHA is currently reviewing the other provisions of its final rule to Improve Tracking of Workplace Injuries and Illnesses, and intends to publish a notice of proposed rulemaking to reconsider, revise or remove portions of that rule in 2018.

## Congress Tackles Urgent Agenda: Government Contractors Need to Prepare

As Congressional leaders work behind closed doors to develop a plan to fund the government beyond Dec. 8, ASA warned them about using a government shutdown as a strategy in negotiating urgent issues, such as the Children's Health Insurance Program and Deferred Action for Childhood Arrivals program. Both parties' leaders have floated the possibility of a short-term funding measure, but with deep divides on many issues, the possibility of a shutdown looms. "Construction firms with federal contracts or subcontracts should prepare now for a possible government shutdown," warned ASA Chief Advocacy Officer E. Colette Nelson. "Plan and prepare now to avoid problems later. Once the government shuts down, it is difficult, if not impossible, to get information." Furloughed government employees are prohibited from conducting any work, including returning phone calls and responding to emails. Among the questions, a contractor may want to ask its federal customer are:

- Will your project be subject to a work stoppage?
- Will you, your employees, your subcontractors and your suppliers be able to access the project?
- Will invoices be processed?
- Will change orders be processed?

Contractors should understand that government contracting officers may not be able to fully answer their questions. The Office of Management and Budget has yet to direct agencies as to the steps they need to take to prepare for a shutdown; however, the [2015 agency shutdown plans](#) are still available for review. Contractors and subcontractors will have to decide for themselves:

- How to manage cash flow if payments expected from the federal government are not forthcoming.
- How to document demobilization and remobilization expenses for any claims arising from the shutdown.
- How to notify subcontractors and suppliers of a shutdown and their responsibility to document resulting expenses.
- How to notify employees of a shutdown.

In the event the government fails to raise the debt ceiling, contractors will need to take different steps. Projects will not shut down under such a scenario. Thus, contractors and subcontractors must continue to work and to submit invoices in a timely way. If an agency can't pay its bills in a timely manner, it will pay those bills with interest once the government resumes paying its bills.

## Griff Hall to Present 'Harnessing the Dual Challenges Leading for Impact While Managing Complexity' at SUBExcel 2018

How do you harness your opportunities for growth while confronting the realities of labor, contracts, and running projects or the business? "Leading for impact while managing for complexity are universal dual challenges," said Griff Hall, Johns Hopkins University Carey School of Business. "There are well-known reasons not everyone successfully meets the mark. The strategies for achieving both are surprisingly simple, yet not inherently easy. Using a framework for developing mastery to meet these dual challenges will help you think and act at deeper levels for sustainable success."



Hall will present the education workshop, “Riding an Elephant: Harnessing the Dual Challenges Leading for Impact While Managing Complexity,” from 1:15 p.m. to 2:30 p.m. on Thursday, March 1, 2018, at SUBExcel 2018.

SUBExcel 2018 will take place Feb. 28-March 3, 2018, in Tempe, Ariz. [Register online](#) and [make your hotel reservations](#) in the ASA room block at Tempe Mission Palms. The early-bird registration deadline and hotel room block cut-off date is **Jan. 31, 2018**.

Hall has held three chief executive positions, been a commercial and social entrepreneur, and is part of an academic community studying and teaching leadership, strategy, and ethics. He has been on the faculty at Johns Hopkins University Carey School of Business for 19 years, focusing on strategy, leadership, and ethics.

For more information about SUBExcel 2018, including the [schedule](#), visit [www.SUBExcel.com](http://www.SUBExcel.com). Please note that the final reception, banquet and awards ceremony will take place on Friday, March 2, instead of on Saturday, as in past years. The Attorneys’ Council meeting will be the only activity scheduled on Saturday, so most registrants can schedule their departure flights on Saturday—or stay the weekend to explore Tempe, the Grand Canyon, the Apache Trail, or Monument Valley! Or, if you wish to join the attorneys, the meeting is open.

### **Evaluate Your Customers: Use ASA’s *The Prime Contractor Factor***

When considering whether to bid on or sign a subcontract for a construction project, it’s easy to focus on just the costs of internal factors that you control, but remember that external factors contribute to the success or failure of the project. Your customers’ decisions and work relationships can make or break a project *for you*. The external factors may seem harder to judge, but a good customer evaluation program will yield important information that you would not otherwise have. Take the time to ask questions such as:

- Does the prime contractor seek bonding through reputable sureties?
- Does the owner or prime contractor have the financial capacity for the project?
- What is the prime contractor’s record on bid shopping?
- Is the prime contractor willing to negotiate contract terms that you view as unbalanced?
- Do the prime contractor’s field personnel provide regular updates on project progress?

The answers to these and potentially hundreds of other questions will help you rate the factors that you have decided to consider in deciding whether or not to take work. Some factors will weigh heavier than others. Perhaps for your company, the experience of the prime contractor in performing the type of project will count more than whether it holds pre-bid conferences. Once you have worked out the factors that you will consider and the factors’ relative weights, it’s simple to draw up a chart to calculate the overall “score” of the customer. ASA’s white paper on [The Prime Contractor Factor](#), which is *free* to ASA members, provides a guide on how an individual subcontractor can set up its own prime contractor evaluation program.

### **Help ASA Fund Precedent-Setting Briefs with Tax-Deductible Contribution**

As 2017 draws to a close and you consider how you’ll direct your year-end charitable giving, consider *how much more you can do* to help construction subcontractors by sending a tax-deductible year-end gift to the Subcontractors Legal Research Fund of the Foundation of ASA. ASA finances its “friend-of-the-court” briefs entirely by [voluntary contributions](#) to its Subcontractors Legal Defense Fund and FASA’s SLRF. So, as you consider the size of your year-end gift, please think about the magnitude and the importance of the challenges that subcontractors face every day—issues like slow or no final payment, pay-if-paid clauses, retainage, a requirement to keep working even in the face of nonpayment, broad-form indemnity, misleading insurance coverages, and more. As it looks ahead to the many precedent-setting court cases that impact construction subcontractors, ASA has to calculate how much funding is available to fund “friend of the court” briefs on each critical issue. It will help so very much if you can [send your year-end gift](#) by **Dec. 31**. FASA is a 501(c)(3) education foundation; contributions to FASA are tax deductible as a charitable contribution. You can make your contribution through the [ASA online store](#). For more information, visit the ASA SLDF Web site at [www.sldf.net](http://www.sldf.net).

### **Contract Changes and Claims: Standard Forms**

One of the advantages of a prepackaged documentation software program is the provision of standardized forms for routine types of documentation. Even without such a program, a subcontractor can develop its own standard forms to simplify demands on project management. Standard forms should be developed for such typical project circumstances as:

- Daily log preparation.
- Requests for information or clarification.
- Notification of change.

- Notification of claim.
- Change order proposal.
- Submittal or shop drawing submittal.

There are many software and Internet-based programs and subscriptions that provide excellent documentation systems. ASA has prepared a [Project Documentation Checklist](#), which lists the types of records that should be maintained in a documentation system to assist a subcontractor in evaluating such a pre-packaged system or setting up its own system. ASA's [Contract Changes and Claims](#) is a series of articles providing tips for the management of changes and changed conditions and how to realize full adjustment to the contract price or contract time.

## Dec. 12 ASA Webinar Examines 'Ownership Succession Planning'

Over the next decade, the construction industry will undergo an historic transfer of ownership as retiring baby boomers seek to exit their businesses and find new owners. All too often, owners underestimate the challenge of ownership transition and fail to establish an effective plan. In the Dec. 12 ASA webinar, "Ownership Succession Planning," Stephen Bonebrake, Maxim Consulting Group, will explore the array of options that owners have to facilitate an ownership transition. "Many owners believe that they can simply sell the business when they are ready to retire," Bonebrake said. "In reality, not all construction companies possess the attributes that enable an outright sale. In fact, less than 10 percent of ownership transitions in the construction industry are outright sales. The vast majority of transitions are accomplished by transferring ownership to family members, key managers or employees. As a consequence these transitions take many years to accomplish as family members, management and employees typically may not have the financial resources to acquire the business outright." In the webinar, Bonebrake will explain what situations lend themselves to an outright sale versus a sale to key managers, family members or an Employee Stock Option Plan. This webinar will take place from noon to 1:30 p.m. Eastern time. Registration is \$99 for ASA members and \$179 for nonmembers. [Register online.](#)

## Apply for ASA Certificate of Excellence in Ethics by Dec. 15

Subcontractors that demonstrate the highest standards of internal and external integrity are encouraged to apply for an ASA Certificate of Excellence in Ethics by **Dec. 15, 2017**. Each applicant is required to respond to questions concerning the firm's corporate ethics policies and procedures, its construction practices, and its general business practices and must submit detailed documentation, including sealed letters of recommendation from a customer, a competitor, and a supplier. Certificate recipients will be announced during an awards ceremony held in conjunction with [SUBExcel 2018](#), which will take place Feb. 28-March 3, 2018, in Tempe, Ariz. Learn more about the ethics program under "[About ASA](#)" on the ASA Web site.

**2017 ASA CERTIFICATE OF EXCELLENCE IN ETHICS**

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

**Online Resources:**

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

APPLICATION DEADLINE: DECEMBER 15, 2017

AMERICAN SUBCONTRACTORS ASSOCIATION

## Chapter Executive Directors and Leaders Invited to Apply for ASA Scholarships



ASA chapter executive directors and leaders play a critical part in their chapters' success, and ultimately ASA's success. The ASA Chapter Scholarship Fund gives chapters with limited financial resources, or chapters that have not yet committed funds for executive directors' and chapter leaders' professional training, an opportunity to send representatives to ASA's annual national convention, SUBExcel. ASA's next convention, [SUBExcel 2018](#), will take place Feb. 28-March 3, 2018, in Tempe, Ariz. Executive directors and chapter leaders are encouraged to review the [ASA Chapter Scholarship Guidelines & Application](#) and [cover letter](#) and submit their applications by **Dec. 18, 2017**.

## Economist Anirban Basu to Present Free CFMA Webinar, 'Markets, He Wrote: Looking for Clues into the 2018 Economy's Direction,' on Dec. 4

Construction Financial Management Association Chief Economic Advisor Anirban Basu will present a free CFMA webinar, "[Markets, He Wrote: Looking for Clues into the 2018 Economy's Direction](#)," from 3:00 p.m. to 4:00 p.m. Eastern time on Dec. 4. Basu, chairman and chief executive officer, Sage Policy Group, Inc., was an extremely popular presenter at ASA's SUBExcel 2016 in Miami. In the Dec. 4 CFMA webinar, Basu will provide a detailed discussion on the 2018 prediction for global, national and regional economies using the most up-to-date data available. The webinar will also discuss critical elements of economic life, including the performance of financial, labor, and real estate markets.



## ASA Platinum Sponsor CNA—Creating an Environment of Lowered Business Risk



Contractors' pollution exposures are more common than you might think. That's why ASA Platinum Sponsor CNA offers a broad array of limited pollution liability coverages for work sites and premises. Backed by CNA's best-in-class claims service and an "A" rating for financial strength, these supplements to commercial general liability policies deliver valuable coverage for basic exposures at nominal cost. For more than a century, in every business climate, CNA has helped companies identify and protect against risk. When you're looking for a carrier with unique programs, flexible coverages and a strong foundation to build on, CNA can show you more. Learn more by calling CNA at (312) 822-1776 or visiting [www.cna.com](http://www.cna.com).

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