



THE SUBtext

ASA SAN ANTONIO | 13333 Blanco Rd. Ste 306, San Antonio, TX 78216 | 210.349.2105

PRESIDENT's message

Thank you, to our 2020-2021 ASA members, annual sponsors, industry partners, and administrative team for a year no one will ever forget. The COVID -19 pandemic was at times overwhelming, but we are encouraged by the outpouring of support, generosity, gratitude, and words of encouragement from our membership and construction community that we will thrive well into the future. The challenges created through this past year presented new opportunities and new relationships.

We compromised, communicated, trained, protected workers & family, lost great mentors in the industry, friends & family members and we continue to support each other as we evolve into a more resilient group of construction industry leaders. Our committee chairmen and admin team worked hard to provide safe events with limiting attendance and social distancing. Our 2020-2021 year was blessed with many sold out events amid the challenges presented to our chairman. A special thanks to our committee members, chairs and co-chairs including Ted Dunnam, Ish Gonzalez, Jan Meuth, Nick Metcalf, Mike McGinnis, Greg Kanning, Adam Matthys, Bethany Beck and all of the BOD who supported our events and membership through the year.

Your continued support through membership and attendance is essential to our success. Watch for dates and times of upcoming functions including our recently rescheduled Industry Association Celebration.

If you are not a member of our ASA San Antonio family of subcontractors supplies, and vendors, we welcome you to join in the fun and comradery as we work towards BUILDING A BETTER FUTURE TOGETHER.

Debbie Hannasch
Fire Alarm Control Systems
ASA San Antonio Chapter President

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ASA CHAPTER STAFF

Jennifer Swinney
Executive Director

Nora Romero
Administrative Assistant



LEGISLATIVE UPDATE

by Ish Gonzalez, Alpha Insulation & Waterproofing

Committee involvement is one of the BEST ways to gain value from your ASA Membership! Please consider serving on an ASA Committee & contact the ASA office or the Committee Chair listed below to find out how you can get involved!

ASA COMMITTEE CHAIRS

Membership

Nick Metcalf
nick@rx-tech.com

Safety Committee

Mike Grendell
mike@midcosling.com

Government Advocacy

Ish Gonzalez & Tom Freund
igonzalez@alphaiwp.com
tom@freundenterprises.com

Rodeo BBQ

Mike McGinnis
mikem@lumberhardware.com

Golf Tournament

Jan Meuth
jan@ynis.net

Subfest & BBQ Cook-Off

Mike McGinnis
mikem@lumberhardware.com

Fishing Tournament

Greg Kanning & Ish Gonzalez
greg@dumashardware.com
igonzalez@alphaiwp.com

Clay Shoot

Ted Dunnam
& Toby Martinez
tdunnam@escsafety.com
toby@bexarexcavating.com

Pour-Off Committee

Ish Gonzalez
igonzalez@alphaiwp.com

Tailgate Mixer

Mike McGinnis & Toby Martinez
mikem@lumberhardware.com
toby@bexarexcavating.com

Texas Construction has bills sitting on the governor's desk this month. Governor Abbott has until June 20th to either sign, veto, or take inaction. The only thing that would stop a bill would be the veto. This is where our call to actions have come in to play. So thank you for all of you that have taken action. At this point there is no signs of a veto happening since things are quiet.

Governor Abbott has been busy signing a border action, and really busy re-organizing the structure of ERCOT in response to the winter storms Texas underwent that displayed a lack of preparedness to winterize and protect our basic electrical and gas power cost infrastructure and cost indexes.

Prior to session, ASA was able to meet Sen Bryan Hughs, via web meeting to discuss, S.B. 19 and discuss the potential concerns of the bill particulars being that Authorities Having Jurisdictions, municipalities, and universities would potentially oppose or amend wording. Also PPP loan forgiveness and applications towards a franchise tax were the big questions.

In the future ASA needs YOUR input and participation to further the development of solving issues in construction. Stay tuned as we are planning a future PAC event and are looking at a top-golf location. So start warming up your swings and show up to talk about construction issues and how we can make help build our state.

Bills Passed to Gov Desk

S.B. 219 Design Defect Liability Reform

Clarifies in statute that contractors are not responsible for damages due to defective design documents provided to them by someone other than their subcontractors. Creates a duty for contractors to notify the general contractor or owner, in writing, of a design defect discovered before or during construction.

H.B. 2237 Lien Law Update

Revisions to Chapter 53, Property Code include: alignment of statutory deadlines with those applicable in other civil proceedings; elimination of second-month notice; adoption of statutory forms for Notice of Unpaid Balance and Notice of Unpaid Retainage; and reduces the statute of limitations on foreclosure on a lien to 1 year with an optional 2nd year upon agreement of the parties

H.B. 1477 Payment & Performance Bonds

Extends current laws applicable to payment and performance bonds on public projects to private projects on leased public lands.

GET INVOLVED

For more information

& to get involved on the ASA Government Advocacy Committee, please contact Ish Gonzalez at igonzalez@alphaiwp.com

MEMBERSHIP

Corner

by Nick Metcalf, Rx Technology
ASA Membership Chair

With summer in full swing and ASA events happening left and right, it is always good to look back on the year that was. 2020 was one for the books, not only from a national standpoint but also from an ASA standpoint. We picked up 20 new members and had a retention rate of 93%. While all this momentum is great, we must make sure we do not lose it. One way we lose it, is when membership renewals are overlooked. 9 out of 10 reasons a member does not renew is because they think they already did; they think someone else is took care of it or did not realize it was time (renewals happen in June towards the end of our fiscal year). To help keep us on the trajectory we are, please follow up with the person in your company that handles ASA membership to make sure you are renewed. If you are not a member and reading this, now is the time to sign up! Remember GCs can now partner with ASA, attend the events, and have hundreds of subcontractors to choose from to work with. Contact Jennifer Swinney with any questions today. Have a great summer and hope to see you at an event ASAP!

WEBINAR

Don't miss the upcoming webinar hosted by your ASA National Office. To register visit www.asaonline.com & log in under your account.

SBA's Mentor-Protégé Program Update AUG 18, 2021 / 11am-12pm CST

The U. S. Small Business Administration's Mentor-Protégé Program helps small businesses (protégés) learn from an experienced government contractor (mentor) how to secure and perform contracts with the federal government to increase access to contracting opportunities. Protégés can get valuable business development help from their mentor in several areas, including:

- Guidance on internal business management systems, accounting, and marketing
- Financial assistance in the form of equity investments, loans, and bonding
- Assistance navigating the federal contract bidding, acquisition, and procurement process
- Education about international trade, strategic planning, and finding markets
- Business development, including identifying contracting and partnership opportunities
- General and administrative assistance, like human resource sharing or security clearance support

Welcome to our newest members

Please take the time to meet the newest members of ASA of San Antonio, and let's start building a better future together!

SURETY BOND BROKERS

3503 Wild Cherry Dr.
Lakeway, TX 78738
512.900.8793
Trades: Surety Bonding

STRAIGHT EDGE TECHNOLOGY, INC.

17300 Henderson Pass
Ste. 200
San Antonio, TX 78232
210.904.9177
Trades: Managed IT
Services

SAN ANTONIO MASONRY & STEEL

7480 FM 1560 N
San Antonio, TX 78254
210.695.8222
Trades: Concrete
reinforcing; rebar; masonry;
stucco; stone

GPS of Texas

21439 Pearl Spring
San Antonio, TX 78258
210.587.7634
Trades: GPS tracking
for vehicles &
equipment

H&V Equipment Services

3307 SE Loop
San Antonio, TX 78222
210.648.5885
Trades: Equipment service,
repairs, rentals, hauling

OFFENHAUSER & CO

430 Austin Street St. 200
San Antonio, TX
210.787.5270
Trades: Insurance & Bonds

Quick Tips for SUBCONTRACTORS Regarding Price Escalations and Labor/Material Availability Issues

The post-pandemic issues concerning material price escalations, material availability (and timing of material delivery), as well as labor shortages, have caused concern for all players in the construction industry of late. In order to skin-the-cat for your particular circumstances, the first place to look should be your subcontract agreements with your customers. These are what provide the “framework” in which the actual problems themselves will play out. This also means the solutions may be different for you with each different customer, because you probably have somewhat different terms and conditions in each subcontract.

1. Pre-Contract: Condition Your Bid

Subcontractors often put terms in their bids/quotes/proposals regarding their specific scope of work, hours of performance, exclusions, and other similar items of importance to them. Unfortunately, many people believe that their bid/quote/proposal terms still govern a dispute even after they have signed a contract. This is incorrect. In addition to the terms and conditions your company has already developed over time, it is important to always have a condition that clearly states your offer to perform a certain scope of work for a certain price is expressly conditioned on you and your customer first negotiating and signing mutually agreeable terms of a written contract. If done correctly, this should make it possible for a subcontractor to avoid having to sign a completely one-sided contract with a general contractor – which is more and more common in recent times.

2. Pre-Contract: Negotiate your Subcontract Terms

Once you have properly conditioned your bid (offer to perform) to a general contractor, you should utilize that opportunity to thoroughly read their proposed subcontract and, where it is unfairly one-sided, propose changes to make it more even-handed and fair. While trying to change the subcontract to be entirely in your favor is unlikely to work out, a good general contractor should cooperate with you in good faith to create subcontract terms that are fair and balanced. In addition, you should assume their standard form is not fair and balanced, but is almost entirely in their favor.

Regarding the specific issues of material/labor pricing, timing, and availability, pay particular attention to terms regarding lump sum pricing, scheduling (and their right to unilaterally change the schedule without any limitations), and also their right to supplement your forces with little or no notice. If you or those at your company are uncomfortable reading and revising the subcontracts, you can use resources on the ASA National website to help with proposed language or you can engage an attorney to work with you on it as well. Typically, the cost of having an attorney assist with contract negotiations at the beginning of a project, in order to avoid problems, is a fraction of the cost of having an attorney handle a lawsuit after a project begins, when problems have already arisen.

3. Post-Contract: Communication & Change Orders

If you become aware of an issue that will affect your ability to timely procure the necessary material or labor for your project, communication with both your vendor/supplier and your customer regarding (a) the problem and (b) a handful of proposed solutions, can go a long way. It is always advisable to come to the table with not just a problem, but a variety of solutions to consider and talk through. Common mistakes at this stage include (a) beginning performance of changed work based on only a verbal discussion and not proper, fully signed change orders, and (b) signing a change order that addresses cost, but either omits changes to the time of performance or worse, agrees there will be “0” days added to your performance. Scope of work and procurement changes that impact cost will often impact time too, so be careful not to forget that part while focused on the dollars. Last, most subcontracts contain terms requiring “notice” of claims within short periods of time, which must be sent to a particular general contractor representative or address, and must contain specific types of information – always read your contracts and work to comply with these requirements whenever possible.

LEGAL CORNER (continued)

4. Post-Contract: Absorbing Cost

There could be a variety of reasons why it might be a good option for a subcontractor to simply absorb the cost of a price escalation for labor or materials – perhaps the job contains more profit than typical for you or perhaps you are working with a quality customer who gives you good, repeat business. Hopefully for everyone, these supply chain and labor issues are short-term problems as our economy adjusts to going back to “normal” after an extended and unprecedented shut down. The option to absorb the increased cost now and maintain good working relationships with the right customers in the future (when circumstances probably level out), could be a worthwhile long term plan if that is something possible for your company, your costs, and your circumstances.

5. Post-Contract: “Efficient Breach”

This option is included for completeness – but it is never “Plan A” or probably even “Plan B” or “Plan C.” In laymen’s terms, an efficient breach is essentially deciding it is in the best interest of your company to cease performance on a project, knowing it will likely result in your company having to pay damages or litigate in court.

When would this ever be in your best interest? Consider this scenario: If circumstances impact your ability to get labor or materials to a job timely or within the price you estimated, you may end up paying higher prices plus getting behind schedule. Often, when this happens, a general contractor will hold all of your payments and hire a supplemental subcontractor. When the job concludes, the supplemental costs will almost always exceed your subcontract many times over. If this happens, you are out of pocket what you spent to perform the portions you did complete, but you also have not received payment for those costs from the general contractor, and to pile on further, the general contractor will make demand that you actually pay them for their cost overruns. If this dispute scenario were to move forward in court, you would be in the position of having to pay the high costs of a lawsuit while also being out of pocket on what you spent and having a large receivable uncollected.

The point of an efficient breach is that, if a large dispute is coming no matter what, it may be more helpful to you to avoid being in a cash flow crunch at the same time you are having to litigate in court. It is absolutely critical to remember, however, this option should never be taken lightly. This is something that should be fully analyzed with the involvement of competent legal counsel, and if you bonded the job, it is even less likely to be a viable course of action.

Conclusion

Overall, the best thing subcontractors can do during these difficult times is to advocate for themselves regarding both the terms of their offers to work on projects and the terms of the subcontracts themselves after they are selected by a general contractor. Even when the terms are not ideal, proactively approaching your customers and vendors with proposed solutions can also go a long way towards avoiding unnecessary disputes.

And the winner is... Congratulations to the ASA Excellence in Construction Award Winners

Project Under \$2.5 Million

Southerleigh Haute South
MIDDLEMAN CONSTRUCTION
COMPANY LLC

Project Between \$5 - \$10 Million

Cross Mountain Church New Student Center
MARKSMEN GENERAL CONTRACTORS

Project Manager of the Year

Russell Harder / BARTLETT COCKE
GENERAL CONTRACTORS, LLC

Project Between \$10 - \$20 Million

Red Berry Event Center
JOERIS GENERAL CONTRACTORS

Project Superintendent of the Year

Bobby Miller / SPAWGLASS

Project Between \$2.5 - \$5 Million

Polish Heritage Center at Panna Maria
KELLER-MARTIN CONSTRUCTION

Project Over \$20 Million

Texas A&M University- S.A. Classroom Hall
SPAWGLASS

General Contractor of the Year

SPAWGLASS

Great Day on the Green

The ASA San Antonio Spring Golf Tournament was a huge success thanks to your support of the event. We had a full course, and sold out the teams with a waiting list! Congratulations to the winners, and special thanks to our Tournament Sponsor, SpawGlass. See you at our next tournament, Oct 13th, at TPC Golf Course!

1st Place Gross - Alamo Crane Service
2nd Place Gross - Texas Air Products Team 2
3rd Place Gross - Sundt Construction

1st Place Net - Kennedy Wire Rope & Ella Contracting
2nd Place Net - Western States Fire Protection
3rd Place Net - Texas Air Products Team 3



Celebrate You

Do you or your company have exciting news that you'd like to share with the membership? Send the details to Jennifer in the ASA Office, and have your good news featured in the next issue of the ASA San Antonio SubText Newsletter!

ASA Safety Update

Ted Dunnam, ESC Safety Consultants

ASA participated in the National Safety Stand Down on May 4, 2021. SpawGlass participated by allowing Midco Sling and 3M to demonstrate the effects of a fall on the human body. Drop test demonstration was held at the Lackland AFB project. There was about 65 employees participating from all the trades on the project, including the SpawGlass management team. From there the ASA Team went to the ASA office for another demonstration to be held in the parking lot of the ASA office. There were about 20 participants from various ASA members. Beldon Roofing & Cram Roofing were in attendance. Hard hat stickers from our local OSHA office and from the ASA office were distributed to all of the participants on both locations. Special thanks to Mike Grendell of Midco Sling for facilitating the Drop Test Demo through 3M.



In **ASA** there is **Al**ways **S**omething **A**wesome

With these crazy times we are living in it's nice to be able to step back and focus on the good things in life, and in ASA there's Always Something Awesome!



The Business Journal announced the winners of this year's Fast Track Awards. These awards are given to companies that experienced massive growth over the past three years. Congratulations to ASA Member, You Name It Specialties for being honored with this award!

DODGE
DATA & ANALYTICS

THE BLUE BOOK
 **NETWORK**

Dodge Data & Analytics ("Dodge") and The Blue Book Building & Construction Network ("The Blue

Book") announced that they are combining their businesses in a merger. "The Blue Book is one of the most respected brands in the construction industry, providing an indispensable resource for construction professionals to find one another to facilitate the connections necessary to deliver commercial construction projects," said William Chisholm.

R.W. Jones & Sons

Congratulations to R.W. Jones & Sons, celebrating their 75th anniversary! They say "Whether it's upgrading your concrete work, fixing damage that's been done to your existing concrete work, or new construction, we're here to help you every step of the way."



Congratulations to Wilborn Steel Co., celebrating their 35th

anniversary! They credit their success to their employees for their hard work and dedication and to their customers for their support.



If you have good news you'd like to share, please contact the ASA office, we'd love to celebrate you!

Show Us Your SWAG!

Everyone likes stuff - and our ASA Members are proud of their ASA branded goodies. Check out some of the places our logo has traveled!



Tom Freund shows off his ASA coffee mug as he hits the San Antonio streets to service clients.



Debbie & Duane Hannasch with Fire Alarm Control Systems (FACS) show off a cold beverage in their "Rockport Strong" ASA Fishing Tervis Tumbler while enjoying the Hawaii scenery.



Mike McGinnis, Allen & Allen Co., knows that a great day on the water isn't complete without his ASA Tumbler to keep his drink frosty cold!

SUBFEST RECAP

by Debbie Hannasch, Fire Alarm Control Systems

Kudo's to the Subfest committee on a fantastic BBQ cook-off and social. Prayers were answered with beautiful weather and the turnout was incredible. The cook teams worked hard for food awards and all had fun taking pride in their team cooking skills. Let us not forget the beverage competition and the amazing presentations. Thank you to everyone who came out and enjoyed the family fun event. For the attendees, let us know what your favorite part of the cook-off was. Was it the team space with electricity provided, great raffle items or your kids getting their faces painted by an awesome face-painting artist. To the committee including Chairman Mike McGinnis and many others who worked so hard setting up and cleaning up to meet a deadline set by the Helotes Fairgrounds committee, we say Thank You and we look forward to next year's fun competition.

GRAND CHAMP

Alterman

RESERVE CHAMP

Intertech Flooring

BEST CAMP

Southern American Ins.

BEST BLOODY MARY

Young Brothers

BRISKET

1st Place - Alterman

2nd Place - Ridout Barrett

3rd Place - Chamberlin

Roofing & WP

RIBS

1st Place - CTO

2nd Place - JW Dielmann

3rd Place - Intertech Flooring

CHICKEN

1st Place - JR Ramon

2nd Place - Alterman

3rd Place - Joeris

CHEF'S CHOICE

1st Place - Comfort-Air
Engineering

2nd Place - Quality Fence

3rd Place - Masters Electrical



INDUSTRY CHAMPIONS



CBI
CENTRAL BUILDERS, INC.



INDUSTRY SUPERIORS



F.A. NUNNELLY
GENERAL CONTRACTOR



ASA INDUSTRY LEADERS



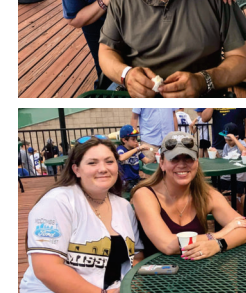
ASA INDUSTRY SUPPORTERS



ASA INDUSTRY PARTNERS



ASA BASEBALL NIGHT
THANK YOU TO OUR SPONSORS



As we begin a new fiscal year, we want to give special thanks to our outgoing board member, **Adam Matthys, with Chamberlin Roofing & Waterproofing**. Adam has been instrumental serving on the board for 6 years, as well as chairing the Spring & Fall Golf Committees - and we are so lucky that he's already agreed to continue to serve on the committees going forward!

"Those who can, do. Those who can do more, volunteer." ~Unknown

FINS UP!

At the end of June, 43 of the BEST fishing teams in the construction industry headed to Rockport, Texas for the ASA Annual Fishing Tournament! Congratulations to the winners & thank you to the sponsors for making the event possible.

Unguided Division

- 1st - Southern American Insurance Agency
- 2nd - PJ Industries
- 3rd - Michalak, PC

Guided Division

- 1st - Alpha Insulation & Waterproofing
- 2nd - Young Brothers
- 3rd - Performance Equipment Service

Money Pots

- Trout - Comfort Air Engineering / Primo Plumbing
- Redfish - EquipmentShare
- Trout - Alpha Insulation & Waterproofing

General Contractor Category Central Builders, Inc.



ASA 2021 FISHING COMMITTEE



MEMBERSHIP *Benefits*

The ASAdvantage program is the perfect opportunity to save money today on the things you use daily- office products, shipping, and much more. Many ASA members can pay for the cost of their membership by taking advantage of these deals!

National Purchasing Partners is a proud ASAdvantage member. Membership with National Purchasing Partners is included with your ASA membership, and includes deals and discounts from nearly 40 companies. ASA members receive discounted rates on essential products and services from suppliers including:



...and more!

NPP provides fast, friendly and flexible customer service. Membership is free, and there is no obligation to purchase. ASA members are already saving time and money through the NPP program. You, too, can start saving money now!

Go to <https://mynpp.com/association/asa> and click "Join Now." For questions or more information, contact NPP at (800) 810-3909 or customerservice@mynpp.com.



As a member of ASA, part of your dues pay for your membership in TCA. TCA has a program called the TCA Purchasing Power through Texas Mutual Insurance Company.

This program provides for lower workers' compensation insurance premiums to its members through its group purchasing power and premium discounts. The program was developed to benefit companies at all construction trades. In addition to participants being eligible for Texas Mutual Insurance Company's regular dividend, they are also eligible for the **Special TCA group dividend**. Coverage is purchased through a members' insurance agent. More details are available <http://txconstructionwc.com/>



The rapid! PayCard.

Provides your company with one of the most comprehensive Paycard benefits and ePayroll program designed for employers choosing to convert to electronic delivery of payroll at zero cost. The PayCard is FREE to TCA members. It will help your business save time, costs, and minimize risk! Stop the expensive paper check routine! Contact Patrick Finnegan, pfinnegan@texcon.org for more information.

UPCOMING EVENTS

JULY

July 1 - Time to Renew Your Membership
July 27 - Association Celebration Meeting

AUGUST

Aug 12 - Lunch & Learn
Aug 19 - Sporting Clay Shoot
Aug 24 - General Meeting

SEPTEMBER

Sept 21 - Lunch & Learn
Sept 29 - Pour Off & Texas Hold 'Em Mixer

OCTOBER

Oct 13 - Fall Golf Tournament
Oct 26 - General Meeting

Thank You to our Newsletter Sponsor



ALAMO CRANE SERVICE

Mr. Marvin Ohlenbusch

16850 Alamo Pkwy

Selma, TX 78154

O: 210.344.7370

www.alamocrane.com



ASA SAN ANTONIO

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San Antonio, TX 78216

Let's *get* Social



@ASASanAntonio

www.asasanantonio.org