

SUBCONTRACTORS SUBCONTRACTORS ASSOCIATION of the Carolinas Carolinas

OCTOBER, 2017

"The Voice of the Industry"



You still have time to promote your business with a display advertisement in the 2018 ASAC Membership Directory. See advertising options beginning on page 6 and place your order **before**, November 15th!

THANK YOU to the following advertisers to date:

CHARLESTON CHAPTER

Anson Construction Ascendum Machinery Dixon Hughes Goodman LLP Ferira Ainsworth & Company **Landmark Construction NBM Construction** O.L. Thompson Construction Co. **Sanders Brothers Construction** Soil Consultants Inc. -(Colleague Sponsor)

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Check out Page 6 for ad rates to fit any budget!

ASA Publishes White Paper on Negotiating Mechanic's Lien Provisions

ASA's new white paper, Mastering Negotiations on Mechanics Liens, recommends that construction subcontractors and suppliers become thoroughly familiar with the lien laws of the states in which they operate. This includes procedures for designated notices, filing methods and timing, priorities of claims, etc. One source

for this information is the Foundation of ASA's Lien and Bond Claims in the 50 States. ASA's new white paper also provides guidance to subcontractors on prospective lien waivers. ASA recommends that a subcontractor not sign a subcontract on lien waiver forms that could preclude or diminish any lien rights prior to the receipt of

payment in full for the work described in a lien release or waiver. The white paper suggests that a subcontractor in a discussion with a prime contractor can maintain: "Your subcontract says that I'm waiving my lien rights in advance of any payments. I can agree to partial waivers for the amounts I've been paid, but I can't give an advance waiver. I need to protect my interests, just as you protect your interests with the owner."

The white paper is available under "Contracts & Project Management" in the members only area of the ASA Web site by logging-in at "LogIn/Access Member Resources.

> If you do not have a password, go to www.asaonline.com to request one.

WELCOME NEW MEMBERS

JAMES WHITE CONSTRUCTORS LLC

Mt. Pleasant SC
Jamie Lewis, Project Manager
Dan Hankins, Executive VP
Site Work & Utilities
Sponsored by: Chris Cook,

Sponsored by: Chris Cook, Brown & Brown Insurance

HELP GROW ASA OF THE CAROLINAS

by recruiting a new member!

Invite a peer, friend or business associate to your next chapter meeting to learn more about the value of ASAC and ASA membership.



GROWTH

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MAKES YOUR ASAC CHAPTER STRONGER AND MORE POWERFUL

GOT A HOT PROSPECT?

Call the ASAC office, provide their contact information and ASAC staff will reach out to them

For membership information and application, visit www.asacarolinas.com and/or www.asaconline.com

Or call ASAC at (803 or 877) 285-3356. Email ASAC at <u>asac@asacarolinas.com</u>



Support your ASAC Membership

by displaying the ASAC Logo on your company's printed materials. A logo can be downloaded from the ASA National Website at www.asaonline.com or by calling the ASAC office

2017—2018 ASAC Event Calendar

Ā		
À	10.23.17	Charleston Chapter Meeting —Joy Riley,
Ą		"SCDOT526 Corridor Project"
٨į١	10.24.17	Midlands Chapter Meeting
٨Ŋ		"Winning the W/C Audit (Top Contractor
A)\		Mistakes) with Hub International & Gallivan White &
Ä		Boyd
Ä	10.31.17	<u>DEADLINE</u> for discounted ad orders for
À		the 2018 ASAC Membership Directory
Ą		
٨į١	11.14.17	Triangle Chapter Meeting—
٨Ŋ		Industry Update with Perry Safran
<i>\</i> \\	11.15.17	DEADLINE for all ad orders in the 2018
Ä	11.15.17	ASAC Membership Directory
Ä		ASAC Membership Directory
Ą	12.07.17	Midlands Chapter Christmas Social @ Pearl
ĄŊ	12.08.17	Charleston Chapter Christmas
٨Ŋ	12.00.17	Party/Awards Banquet - Charleston Country Club
A)\		Turty// Wards Duriquet Charleston Country Char
Ä	01.09.18	Triangle Chapter Meeting -
Ä	01.07.10	Panel Discussion on Silica
Ą	01.22.18	Charleston Chapter Meeting—
Ą۱	01122110	Dave Berstrom, Palmetto Railways Project
ĄN	01.23.18	Midlands Chapter Meeting
<i>\\\</i>	01120110	GC Roundtable w/AGC Participation
X		oe noundida waneen unit puison
Ä	02.09.18	Charleston Oyster Roast
Ą		Truluck Island
ĄŊ	02.13.18	Triangle Chapter Meeting
٨Ŋ		W/GenConnect
<i>\\\\</i>	02.28.18	ASA National SUBExcel, Tempe, Arizona
Ä	02.20.10	ASA National SUDEXCEI, Tempe, Al Izona
Ä		
Ą	03.23.18	Triangle Chapter 2nd Annual Skeet Shoot
ĄŊ		@ Deep River
٨Ŋ		
<i>\\\</i>	04.10.18	Triangle Chapter Meeting
W/W		"Commercial GL Insurance & Delay Claims"
Ä		with Anderson & Jones PLLC
Ą		
ĄĪ	05.08.18	<u>Triangle Chapter</u> - NC Legislators Meet &

06.06.18 Annual Convention

Greet

Embassy Suites, Wilmington Riverfront Hotel, Wilmington NC

For additional meeting details visit www.asacarolinas.com or call ASAC at (803 or 877) 285-3356



General Site Contractor

Gulf Stream Construction Company, Inc.

1983 Technology Drive

Charleston, South Carolina 29492

843-572-4363

www.gulfstreamconstruction.com

Celebrating 51 Years of Excellence 1966 - 2017

When in the World Will We See an Infrastructure Funding Program?

President Donald Trump pledged to introduce a massive \$1 trillion infrastructure plan during his first 100 days in office. Now in Trump's ninth month in office, the construction industry still is waiting for a plan that it can embrace. In this article, ASA Chief Advocacy Officer E. Colette Nelson answers the most frequently asked questions she gets from ASA members on this issue.

Question: The media reports that President Trump has backed off the proposal he made during the campaign to fund his infrastructure program through public-private partnerships. Why the big change?

Nelson: The President and his advisors seem to have realized that P3s are not feasible for many types of infrastructure projects. That is, P3s lend themselves to revenue-based infrastructure assets which offer the private investor a chance of high returns with relatively low risk (e.g., toll roads). Private investors will be less attracted to projects in low population areas—the very areas that President Trump carried in the 2016 election.

Question: Does that mean that President Trump is going to ask Congress for direct federal spending for infrastructure? **Nelson:** Apparently, though I would suggest that the President and the construction industry need to temper their expectations. Congressional deficit hawks already are swallowing hard to support what is likely to be a budget-busting tax reform package. They're unlikely to also support a massive spending package for infrastructure.

Question: I've also read media reports that the President expects state and local governments to pay for his infrastructure plan. What do you think?

Nelson: I think this is another opportunity for President and the construction industry to manage their expectations. According to a report from the National Association of State Budget Officers, 33 states are going to miss their budget targets for the 2017 fiscal year. NASBO also reported that 23 states made budget cuts during the fiscal year. This doesn't sound like states will be willing or able to finance the President's infrastructure plan.

Question: Why is the burden on the Republicans? Why don't the Democrats put forth a plan?

Nelson: They have. In January 2017, Democrats released a 10-year infrastructure plan that would require \$1 trillion of direct federal spending. On Oct. 4, the New Democrat Coalition lay out a three-step plan to revitalize our outdated infrastructure titled Fund it, Fix it, Foster it. These plans are considered to be the Democratic starting point for negotiations with the Trump Administration.

Question: With all of these delays, do you have an opinion on when we might see real movement on an infrastructure program?

Nelson: Congressional leaders continue closed-door discussions on their own plans. But I wouldn't expect to see any construction under a new infrastructure program until late 2018 or early 2019, if then.



Building a stronger business starts with the right advisor.

Our Construction Team provides a wide-range of accounting and advisory services to general contractors, specialty contractors, engineers and architects. We bring clients valuable insight and a unique perspective based on in-depth knowledge and first-hand industry experience. Benefit from advisors who understand your business from the ground up.



Georgia | North Carolina | Ohio | South Carolina | Tennessee | Virginia elliottdavis.com

Read Those Subcontract Documents!

Too often subcontractors sign forms without fully comprehending the very serious legal implications of many of the subcontract clauses that give the prime contractor unnecessary legal and practical advantages. Subcontractors must read each subcontract carefully and completely to discover the legal pitfalls of such clauses. Some prime contractors' proprietary subcontractor forms have been intentionally drafted to achieve legal and practical advantages over subcontractors. Indeed, these forms have become increasingly lengthier and more complicated, and are devised by attorneys to protect the interests of the prime contractors at the expense of subcontractors.

Through ASA educational programs and materials, many subcontractors have become aware of the practical problems and legal pitfalls of subcontract clauses and are negotiating changes in the clauses that are unduly harsh on subcontractors. Subcontractors are not only faced with harsh provisions imposed on them by the terms of the subcontract, but they often are faced with additional harsh terms imposed on them in the terms of the prime contract. As a practical matter, it is very important for the subcontractor to obtain a commitment at the bid date that a neutral form will be used. One way a subcontractor can do this is to condition its bid on a neutral document, such as the ConsensusDocs Form 750, Agreement Between Constructor and Subcontractor. ASA provides a Subcontractor Bid Proposal as part of its ASA Subcontract Documents Suite to help members do just that. Another approach is to use an addendum to attach to a prime contractor's proprietary subcontract form. One such tool is the ASA Subcontract Addendum, also part of the ASA Subcontract Documents Suite. The instructions included in the Suite describe how to use both of these approaches. Remember, the goal of both the prime contractors and subcontractors is to build buildings, not fight about the form. When one form becomes irrationally loaded to the legal and detriment of one party, it frequently leads to trouble for all the parties.

Tax Reform: What's Really Going On in Washington?

On Sept. 26, the Trump Administration and Congressional Republicans released a nine-page <u>Unified Framework for Fixing Our Broken Tax Code</u>. Every day, the media breathlessly reports on the latest news concerning possible tax cuts. In this article, ASA Chief Advocacy Officer E. Colette Nelson responds to the most frequently asked questions on tax reform that she gets from ASA members.

Question: Just what does this new tax "framework" include?

Nelson: The "framework" proposes sweeping changes to the Internal Revenue Code as it applies to both businesses and individuals.

Question: Does it include details?

Nelson: The nine-page document contains nine times more information than the one-page "plan" that Treasury Secretary Steve Mnuchin released in April. But it remains short of critical details.

Question: So share some of the new promises, starting with corporate taxes.

Nelson: The new Republican "framework" for tax reform would:

- Lower the corporate tax rate to 20 percent.
- Eliminate the corporate alternative minimum tax.
- Establish a maximum tax rate of 25 percent for S corporations, partnerships and sole proprietorships.
- Provide for full expensing of new investments, other than structures, made after Sept. 27, 2017, in depreciable assets for five years.
- Partially limit the deduction for net interest expense.

Question: What about changes concerning individual taxes?

Nelson: The new Republican "framework" would:

- Increase the standard deduction to \$12,000 for individuals and \$24,000 for married couples.
- Eliminate the alternative minimum tax.
- Reduce tax brackets to three of 12 percent, 25 percent and 35 percent.
- Repeal the federal estate tax and generation-skipping transfer taxes.
- Expand the Child Tax Credit and increase the income levels at which the credit is phased out.
- Eliminate most itemized deductions. Exceptions include deductions for home mortgage interest and charitable contributions.

Question: You said the "framework" is missing critical details. Like what?

Nelson: The "framework" leaves much decision making to the House and Senate tax-writing committees. For example:

- What guardrails will be put in place to prevent professionals from reclassifying their wages as business income to capture the lower tax rate?
- Will there be a fourth tax bracket for individuals to prevent shifting the tax burden to lower- and middle-income tax payers?
- How much will the plan eliminate the ability of businesses to deduct interest on paid loans?
- Will the plan include a compromise on the contentious issue of the deductibility of state and local taxes?

Question: What does the "framework" say will be the impact on the federal deficit?

Nelson: That's something else that's missing from the "framework"; it does not include information on costs. Analyses of similar plans have projected revenue loss of between \$3 trillion and \$7 trillion over 10 years.

Question: Wow! What happened to Republican support of deficit reduction?

Nelson: That question is, in fact, the crux of the debate within the Republican Party concerning tax reform. Will tax cuts pay for themselves through higher economic growth? Or will deficits grow as increasing federal deficits drive up interest rates? Pick your economist.

Question: What's your opinion? Will we see tax reform this year?

Nelson: When I hear Republican leaders talk about tax reform, I imagine the 1982 hit song <u>Talk Talk</u> playing in the background. Tax reform is a difficult task under the best of circumstances. Any proposal developed in secret by a single political party starts at a deep disadvantage. Plus, there are fewer than 30 legislative days until the end of the year. That's not much time to develop, agree and vote on a plan under which President Trump has promised everyone will get a tax cut.

"2018 ASAC MEMBERSHIP DIRECTORY" Advertisement Order Form & ASAC Advertisement/Sponsorship Options

Please complete the appropriate order form and send along with your payment before Wednesday, November 15th, 2017. Ad space is available on a first come, first served basis.

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OPTION #1 OFFERS: 2018 ASAC Membership Directory Advertisement ONLY. In addition to your advertisement, your complimentary company listing will be printed in bold in the hard copy directory, the website directory and the specialty listing on the website.

Ac	serve your ad space by completing the information		yment)	
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	1/2 PAGE AD (6.5" x 4.25")	\$355		450
	FULL PAGE (6.5" x 9")	\$445		600
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OPTION #2 ASAC BLOCK SPONSORSHIPS See Order Form on Page Four Block 4 Block 1 Block 2 Block 3 Half page Directory Ad \$ 340 Business Card Directory Ad \$ 260 4 Car. Panther Ticket Chances \$ 100 4 Car. Panther Ticket Chances \$ 100 Big Bucks Conv. Sponsorship \$1,000 Big Bucks Conv. Sponsorship \$1,000 Total Value \$1,440 Total Value \$1,360 Block Sale \$1,370 Block Sale \$1,295 Block 5 Block 6 Block 7 Block 8 Business Card Directory Ad \$ 260 \$ 340 Half page Directory Ad \$ 340 Full page Directory Ad \$ 440 Half page Directory Ad 4 Car. Panther Ticket Chances \$ 100 Gold Conv. Sponsorship \$ 400 Total Value \$ 840 Platinum + Conv. Sponsorship \$ 750 Platinum Conv. Sponsorship \$ 500 Platinum Conv. Sponsorship \$ 500 Total Value \$1,190 Total Value \$ 860 Total Value \$1,040 Block Sale \$1,130 Block Sale \$820 Block Sale \$990 Block Sale \$800 Block 9 Block 10 Block 11 Block 12 Business Card Directory Ad \$ 260 Full page Directory Ad \$ 440 Business Card Directory Ad \$ 260 4 Car. Panther Ticket Chances \$ 100 4 Car. Panther Tickets Chances \$ 100 Business Card Newsletter Ad \$ 440 4 Car. Panther Ticket Chances \$ 100 Gold Conv. Sponsorship Silver Conv. Sponsorship \$ 300 \$ 400 Total Value \$ 760 **Total Value** Copper Conv. Sponsorship \$ 200 \$ 840 Total Value \$1,000 Block Sale \$950 Block Sale \$725 Block Sale \$800 Block 13 Block 14 Block 15 Block 16 Full page Directory Ad \$ 440 Business Card Directory Ad \$ 260 Business Card Directory Ad \$ 260 Full page Directory Ad \$ 440 4 Car. Panther Ticket Chances \$ 100 4 Car. Panther Ticket Chances \$ 100 4 Car. Panther Ticket Chances \$ 100 Full page Newsletter Ad \$1,210 Copper Conv. Sponsorship \$ 200 4 Car. Panther Ticket Chances \$ 100 Bronze Conv. Sponsorship \$ 100 Bronze Conv. Sponsorship \$ 100 Nickel Conv. Sponsorship \$ 50 Total Value \$ 640 Total Value \$ 560 Total Value \$ 460 Total Value \$1,800 Block Sale \$1,710 Block Sale \$610 Block Sale \$535 Block Sale \$440 Block 17 Block 19 Block 20 Block 18 Half page Directory Ad Half page Directory Ad \$ 340 Business card Directory Ad \$ 260 Full page Directory Ad \$ 440 \$ 340 4 Car. Panther Ticket Chances \$ 100 4 Car. Panther Ticket Chances \$ 100 4 Car. Panther Ticket Chances \$ 100 Half page Newsletter Ad 4 Car. Panther Ticket Chances \$ 100 Nickel Conv. Sponsorship \$ 50 Nickel Conv. Sponsorship \$ 50 Platinum Conv. Sponsorship \$ 500 Total Value \$ 490 Total Value \$ 410 Total Value \$1,040 Silver Conv. Sponsorship \$ 300 Total Value \$1,510 Block Sale \$1,450 Block Sale \$470 Block Sale \$390 Block Sale \$990

OPTION #2: OFFERS:

- Your complimentary company listing will be printed in bold in the hard copy directory, the website directory and the specialty listing on the website. Your company name will be included in Convention and Carolina Panther promotions.
- Block purchases one time sponsorship for 2018 only 17 remaining
- Block purchases offer savings (approximately 5%)
- Block purchases must be made before 10/31/17 and will be assigned on a first come, first served basis
- Newsletter ads cover 11 issues.
- FOR COLOR ADS in the newsletter and the directory, add an additional 25% to the "ad" price listed in the block and adjust the Block Sale total.
- For member company budgeting purposes ASAC will invoice first of the year.

OPTION #3 ASAC PRIME Sponsorship Package -See Order Form on Page Four

Benefactor	
Convention Sponsorship	
Big Bucks	\$1,000
Convention Registration	
Four People	\$1,700
Convention Program Ad	
Full Page 4x7	\$ 200
Full Page Directory Color Ad	\$ 585
Newsletter Ad (11 Months)	
Full Page	\$1,210
Legal Assistance Fund	
Contribution	\$ 600
STAC Contribution	
Legislative Initiatives	\$ 320
Panther Raffle Tickets (4)	\$ 100
Total Prime BENEFACTOR	\$5,715

Patron Convention Sponsorship	
Platinum Plus	\$ 750
Convention Registration Four People	\$1,700
Convention Program Ad Full Page 4x7	\$ 200
Full Page Directory Color Ad Newsletter Ad (11 Months)	\$ 585
Full Page Legal Assistance Fund	\$1,210
Contribution STAC Contribution	\$ 500
Legislative Initiatives	\$ 270
Panther Raffle Tickets (4) Total Prime PATRON	\$ 100 \$5,315

Steward	
Convention Sponsorship	
Platinum	\$ 500
	Ψ 000
Convention Registration	
Two	\$ 850
Convention Program Ad	
Half Page 4x3.5	\$ 100
Half Page Directory Color Ad	\$ 450
	\$ 450
Newsletter Ad (11 Months)	
Half Page	\$ 770
Legal Assistance Fund	
Contribution	\$ 400
STAC Contribution	4 400
Legislative Initiatives	\$ 175
Panther Raffle Tickets (4)	\$ 100
Total Prime STEWARD	\$3,345

Partner	
Convention Sponsorship	£ 400
Gold	\$ 400
Convention Registration Two People	\$ 850
Convention Program Ad	
Half Page 4x3.5	\$ 100
Half Page Directory Color Ad	\$ 450
Newsletter Ad (11 Months)	
Half Page	\$770
Legal Assistance Fund	
Contribution	\$ 300
STAC Contribution	
Legislative Initiatives	\$ 175
Panther Raffle Tickets (4)	\$ 100
Total Prime PARTNER	\$3,145

<u>Associate</u>	
Convention Sponsorship	
Gold	\$ 400
	φ 400
Convention Registration	
Two People	\$ 850
Convention Program Ad	
Half Page 4x3.5	\$ 100
Half Page Directory Color Ad	\$ 450
	\$ 450
Newsletter Ad (11 Months)	
Half Page	\$770
Legal Assistance Fund	
Contribution	\$ 200
STAC Contribution	\$ 200
Legislative Initiatives	\$ 125
Panther Raffle Tickets (4)	\$ 100
Total Prime ASSOCIATE	\$2,995
	,

Colleague Convention Sponsorship	
Silver	\$300
Convention Registration	*050
Two People	\$850
Convention Program Ad BC 3.5x2	\$ 50
BC Directory Color Ad	\$340
Newsletter Ad (11 Months)	4040
Business Card	\$440
Legal Assistance Fund	
Contribution	\$200
STAC Contribution	***
Legislative Initiatives	\$125
Panther Raffle Tickets (4)	\$100
Total Prime COLLEAGUE	\$2,405

Friend	
Convention Sponsorship	
Copper	\$200
Convention Registration	
Two People	\$850
Convention Program Ad	
BC 3.5x2	\$ 50
BC Directory Color Ad	\$340
Newsletter Ad (11 Months)	
Business Card	\$440
Legal Assistance Fund	
Contribution	\$100
STAC Contribution	
Legislative Initiatives	\$125
Panther Raffle Tickets (4)	\$100
Total Prime FRIEND	\$2,205

Comrade	
Convention Sponsorship	
Copper	\$200
Convention Registration	
Two People	\$850
Convention Program Ad	
BC 3.5x2	\$ 50
BC Directory Color Ad	\$340
Newsletter Ad (11 Months)	
Business Card	\$440
Legal Assistance Fund	
Contribution	\$ 50
STAC Contribution	A 05
Legislative Initiatives	\$ 25
Panther Raffle Tickets (4)	\$100
Total Prime COMRADE	\$2,055

Convention Registrations - Above amounts will be credited for additional registrations Directory Ads—Above amounts will be adjusted for directory "cover & last page" ads ASAC PRIME Sponsorship Package Advantages

One time payment Bill annually for budgeting purposes, will invoice first of the year

Special recognition is given in the membership directory and web site listing to above sponsors in their directory listing.

OPTION #2 & #3

ASAC Order Form—Please reserve the following sponsorship package for my company (check one):

	" SPONSORSHIP s included in sponsorship blocks)	"PRIME" SPONSORSHIP (See page 3 for items included in combination sponsorship package)	
()		(
SOLD Block #1 - I	David Allen Company	Benefactor	\$5,715
Block #2	\$1,370		
Block #3	\$1,295	Patron	\$5,315
SOLD Block #4 - S		200	
Block #5	\$1,130	Steward	\$3,345
Block #6	\$820	_	****
Block #7	\$990	Partner	\$3,145
Block #8	\$800		42.005
Block #9	\$725	Associate	\$2,995
Block #10	\$800 Dillon Construction Services	Callanana	en 405
Block #12	\$950	Colleague	\$2,405
Block #13	\$610	Friend	\$2,205
Block #14	\$535	Fileilu	\$2,203
Block #15	\$440	Comrade	\$2,055
Block #16	\$1,710	Commade	\$2,033
Block #17	\$470	Please note:	
Block #18	\$390		hips offer a total sponsorship support
Block #19	\$990	package with recognition	on to those members participating in the
Block #20	\$1,450		publications and on the ASAC web site.
	10000 COOK	Combination sponsorships who wish to purchase a specialty as	
Please note:	50	(covers & last page ad: included in the sponsor	s etc.) will be invoiced for the difference
Block Sponsorships of	offer an approximate 5%	inciuaea in ine sponsor	мир раскаде.
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served basis with a li	mited availability of 20 blocks.		
METHOD OF PA	YMENT		
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Complete Address	:	Company	
Phono:	•	Fav.	
Email Address			P. S. B. S.
Linan Address			
Signed by:			
M	ail to: ASAC, 104-A North Wo	odland Drive, Lancast	ter, SC 29720-2403
	ne: (803 or 877) 285-3356		c@asacarolinas.com
		(3-	(Effective 11/01/17-11/15/17)

OCTOBER 2017



ASAC MISSION STATEMENT— To promote the value of ASA; to become a leader in the construction industry by representing the interest of the membership by developing laws & legislation and by setting a standard of support, quality and service to our customers & communities.

Visit the ASA of the Carolinas (ASAC) web site at www.asacarolinas.com and the ASA National (ASA) web site at www.asaonline.com where you will find members listed by trade, construction law updates, contractor references on the BPI, lien lists, legislative updates, meeting schedules, contract information and more!

CAROLINA SUBCONTRACTOR

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