



Subcontractors Association of the Metroplex

PUNCH LIST

The voice of the Subcontractor's Industry

KEEP THOSE RECORDS



Subbie Sam Says.

Whether it's your work crews or work on your own property, it's bad news if you dig into another utility. 811 is easy to remember and will keep you out of trouble.

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It seems like such a simple thing – after you're done with a project, and the warranty period has expired, why should you keep project records? As always, when lawyers get involved, the answer is, "It depends."

Simply stated, it's important to keep project records long enough that they can be used to defend yourself if a claim arises. But how long is that?

The Statute of Limitations for breach of contract actions in Texas is, generally, four years, but breach of contract is the least of your worries when you're talking about potential construction defects.

Claims for negligence which might be asserted by third parties (principally, project owners) will generally be subject to the "discovery rule," meaning the time for a claim to be brought doesn't begin to run until the defect is, or reasonably could have been, discovered. Since, by their nature, most construction defects which are open and obvious are caught at the time of construction, the discovery rule will apply to concealed defects, things done wrongly and covered up.

Because the discovery rule was allowing claims a Very Long Time after project

the Texas legislature enacted a "Statute of Repose," providing that claims for construction defects had to be brought within ten years after the completion of the project, so lots of people think ten years is an appropriate period to keep records-but the statute of repose time to bring suit can be extended by up to two additional years by the provision of written notice of suspected defects prior to the expiration of the 10-year statute of repose. So, "belt and suspenders," twelve years seems like a good number, and with electronic records storage technology being what it is, the burden of doing so is not so tough (not like the old days when the project file, long stored in a hot attic, contained a bunch of thermal faxes which had faded to blank with time and heat).

If you don't have project records, a party claiming against you gets to "write the story" however they like, regarding your prior work, and who's responsible for poorly-constructed projects. If, on the other hand, you have a policy of diligently documenting your project, including detailed notes and periodic job-walk photographs, not only will you have the records you need down the road if a claim is brought, you'll have a lot

better chance of catching problems at the time of construction.

Review your document-retention policy (or create one, if you haven't got one), make sure that your documents and project records are well-preserved and accessible, and be sure you have good records to keep, in the first place.

Your lawyer will love you; the other guy's? Not so much.

Spike Cutler of Cutler-Smith is SAM's Chapter Attorney and a member of the NSA attorney's council.

UPCOMING PROGRAMS

- May 21: First Aid / CPR training (see page 3)
- June 2: Matt Mooney with Corgan Associates architects will give a program on construction of the future.
- July 7: Texas Tomorrow Fund with Maricela Arsi of the Texas Comptroller of public accounts. Will also talk about the 529 fund.
- August 4: Dinner meeting TBA
- August: Confined space training, date to be announced.
- September 1: Mike White, VP for Legislation for the Texas Construction Association will get us ready for the 2017 State Legislature.
- October 6: Qualifications that are required to be a 1099 Contractor, presented by Mario Hernandez, legal counsel to Ruth R. Hughs, commissioner representing employers.
- November 3: SAM's Famous Lien and Bond Claim Seminar, taught by our own Spike Cutler.

Thanks to Program Chair, Selena Zarate



Spike Cutler: making a point at the Contract Language seminar

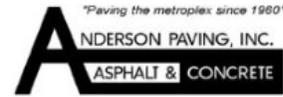
FULL HOUSE AT SAM'S CONTRACT LANGUAGE SEMINAR

Members and guests alike flocked to SAM's Contract Language Seminar. Consummate Educator and premier Subcontractor Attorney, Spike Cutler led nearly 80 attendees through the perils of the subcontracts that are being sent to us. Spike covered the basics and also the fine details of what we must look for and what we

must not sign in a contract. He also covered what data from the Contractor we need before we sign a subcontract agreement.

Thanks to SAM president, Paul Holden of FCS Construction and to SAM board member, Gary Ardis of Anderson Asphalt and concrete

paving for sponsoring the seminar.



SAM MEMBERS MET THE TCA PAC CHALLENGE!



money we spend for our TCA PAC is money very well spent. All our contributions are guided by Subcontractor representatives from all the TCA member organizations. The money is spent to support those legislators that support the Subcontracting industry. The contributions don't buy influence or votes, but they definitely buy the open office with open minds and ears to hear our side of the story.

TCA has ramped up its efforts to come up with an equitable and simplified lien law at the next session, and will be on guard to protect the subcontracting industry.

SAM Members met the TCA Political Action Committee challenge and raised \$5,000, which was in turn matched with another \$10,000 from other TCA members. This \$15,000 will be a big help in our legislative efforts in next year's Texas Legislature.



Charter SAM member, Billy Neu of Neuco

Your president, Paul Holden, and your executive director, Pete Snider have sat in on the TCA legislative meetings and both can assure you that the



Brad Gross of Lane Gorman Trubitt



Subcontractors learning to never sign a bad contract.



New Member, Cary Stone of Sunstate Equipment

KNOWING YOUR EMPLOYEES LEARNING STYLES WILL INCREASE PRODUCTIVITY



Each employee learns differently, and therefore, organizations need to understand their employees learning styles to increase productivity. So what are the learning styles:

- **Initiating:** experimenting with new courses of action. These learners enjoy networking, influencing others, and thinking on their feet. Employers should encourage them to jump in and learn from trial and error.
- **Experiencing:** finding meaning from deep involvement in experiences and relationships. These learners focus on emotions and intuition. Employers should encourage them to work with others.
- **Imagining:** contemplating experiences and considering a range of solutions. These learners seek and appreciate diverse input from many people. Listen to their creative ideas and encourage them to work in small teams.
- **Reflecting:** connecting experiences and ideas through sustained reflection. These learners observe others, take multiple perspectives into account and wait to act until they are confident about the

outcome. Employers should allow adequate time for them to watch and listen on their own.

- **Analyzing:** integrating and systemizing ideas. These learners like to make plans, attend to details. Employers should use concise, logical language with these learners.
- **Thinking:** engaging in disciplined logic or mathematics. These learners prefer quantitative analysis and abstract reasoning. Employers should allow them time to focus on one objective at a time.
- **Deciding:** choosing a single course of action early on to achieve practical results. These learners efficiently set goals and evaluate whatever solution they have chosen. Employers should involve them in figuring out which problems to solve and setting standards.
- **Acting:** taking assertive, goal-directed steps toward change. These learners care about completing the task, are risk takers, and get things done more quickly. Employers should encourage and trial and error and give them on-the-job experiments.
- **Balancing:** weighing the pros and cons of acting versus reflecting and experiencing versus thinking. These learners can flexibly assume any learning styles to fill gaps in their knowledge. Employers should tap their abilities to identify blind spots and adapt.

SAM OFFERS CPR TRAINING

Anyone would like to have a First Aid / CPR trained civilian close at hand if you need it and there is not a trained professional by their side. All businesses should have trained First Aid / CPR capable individuals ...just in case.

The **Subcontractors Association of the Metroplex** is proud to offer this opportunity for First Aid training taught by the American Heart Association.

Heartsaver® First Aid CPR AED is a classroom, video-based, instructor-led course that teaches students critical skills needed to respond to and manage a first aid, choking or sudden cardiac arrest emergency in the first few minutes until emergency medical services (EMS) arrives.

Course Content

- **Medical emergencies**
- **Injury emergencies**
- **Environmental emergencies**
- **Adult CPR and AED use**

SATURDAY, MAY 21

TWO SESSIONS - 12 ATTENDEES

EACH SESSION

9:00AM to 12:00PM or 1:00pm to 4:00PM

Courses will be taught at:
Groves Electrical Service
2410 Squire Place
Dallas, Texas.

Only **\$65/ SAM member**
\$95/ non-member

Register at <http://www.sam-dfw.org>
Or with Pete Snider, executive Director at:
execdir@sam-dfw.org.



SAM Legislative Representative to the TCA, Edd Fritz of Richardson Mechanical



SAM Legislative Representative to the TCA, Jennifer Junker of the John F. Clark Company



SAM Legislative Representative to the TCA, Clem Lesch from PCL Contract Bonds



Subcontractors Association of the Metroplex



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The Subcontractors Association of the Metroplex was founded with the purpose of creating an affordable forum for Subcontractors to exchange information and learn from each other how to be better business men or women.

Sam is a member of the National Subcontractors Alliance, the largest Subcontractors association in the USA, and also a member of the Association of Specialty Contractors where we have a voice in National Legislation. SAM is also a member of the Texas Construction Association, the unifying voice of the trades in the Texas Legislature and as such all SAM members have access to all the benefits of the TCA.

Sam is also allied with the National Federation of Independent Business who has a voice in the Texas Legislature on small business issues.

**Your Source for Subcontractor's
information.**



Visit us at:

<http://www.sam-dfw.org>



Our Association Officers

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If you're not a member of SAM,
you should be.

Call Pete Snider for a membership
application.

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**SUBCONTRACTORS—
THE ONES WHO
REALLY BUILD THE
BUILDING**