



PUNCH LIST

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THAT'S A WRAP! SUMMARY OF THE 88th LEGISLATIVE SESSION

Both the Texas House and Senate have adjourned *Sine Die* for the 88th Legislative Session. The final stop for legislation that made it through the process is the Governor's desk. The Governor now has until June 18th to veto any bills.

You are probably aware that several of the Governor, House and Senate-priority bills failed to pass. Additionally, the House preferred Articles of Impeachment of Attorney General Ken Paxton over the weekend. The Senate will convene June 20, 2023, to consider rules and procedures for the impeachment trial which is expected to begin no later than August 28, 2023.

As far as construction industry legislation goes, below is a list of bills that passed that impact the construction industry. Of special note - there were no bills passed that will adversely impact subcontractors or suppliers. In the end, this session was a Win-Win for TCA and our partners.

TCA Legislative Issues Sent to the Governor:

- H.B. 2518 by Rep. Keith Bell and sponsored by Sen. Robert Nichols (mandates that public property leases must require bonds and notice on private construction projects on public property).
- H.B. 3485 by Rep. Keith Bell and sponsored by Sen. Nathan Johnson (allows a contractor to choose not to perform work on an unsigned owner-directed change order that exceeds 10% of the contract amount).
- H.B. 2127 by Rep. Dustin Burrows and sponsored by Sen. Brandon Creighton (state preemption of municipal and county regulations).
- H.B. 679 by Rep. Keith Bell and sponsored by Sen. Charles Schwertner (prohibits requiring a specific experience modifier for public work).
- H.B. 2879 by Rep. Tom Oliverson and sponsored by Sen. Paul Bettencourt (declares out of state venue provisions in construction contracts void as a matter of public policy).

Other Issues Sent to the Governor:

- H.B. 19 by Rep. Andrew Murr and sponsored by Sen. Bryan Hughes (creation of a specialty court for select business litigation).
- H.B. 1755 by Rep. Angie Chen Button and sponsored by Sen. Carol Alvarado (creates Lone Star Workforce of the Future Fund).
- H.B. 1859 by Rep. Matt Schaefer and sponsored by Sen. Charles Perry (expands certified CTE programs for air conditioning and refrigeration technicians to include higher education and private schools.)
- H.B. 2334 by Rep. DeWayne Burns and sponsored by Sen. Angela Paxton (allows for non-licensed plumbers to perform work on service mains or service lines on non-residential private property from the public easement to up to five feet from a structure.)
- H.B. 2965 by Rep. Cody Vasut and sponsored by Sen. Brandon Creighton (prohibits waiver of public right-to-repair law).
- H.B. 3287 by Rep. Doc Anderson and sponsored by Sen. Morgan LaMantia (expands TSTC campuses to Williamson, Ellis, Denton and Comal/Guadalupe counties).
- H.B. 4123 by Rep. Ryan Guillen and sponsored by Sen. Judith Zaffirini (revamp of DPS procedures for the dissemination of criminal history record information; sets parameters for when criminal history background checks are required for construction contractors).
- S.B. 68 by Sen. Judith Zaffirini and sponsored by Rep. Andrew Murr (allows for two excused absences for Career Exploration Days).
- S.B. 1045 by Sen. Joan Huffman and sponsored by Rep. Andrew Murr (creates the Fifteenth Court of Appeals with jurisdiction over civil cases from the business specialty court and over litigation involving the State of Texas).

Join us on Tuesday, July 18 to hear more about the 88th Legislative Session from Jennifer Fagan.



MEET THE MEMBER - SITEPRO RENTALS

SitePro Rentals Irving, TX, offers a comprehensive line of late-model rental equipment and tools for your residential, industrial, commercial, or construction job site. We have an extensive inventory of rental equipment that ensures we have what you're looking for. Customer service is our top priority, and our local Pros are highly knowledgeable and passionate about renting equipment. They can help you get what you need and take the hassle out of renting equipment.

Used Equipment Sales in Irving, TX

Site Pro Rentals Irving carries a wide range of well-maintained and high-quality used construction equipment.

Equipment Repair in Irving

Don't throw away those broken tools or equipment before you call us! Our local Pros can help repair your equipment or tools and get them back in tip-top shape.

Benefits of Renting from SitePro Rentals

At SitePro Rentals Irving, we remove the hassle out of renting equipment. Our founders created this company to help streamline the rental process and make it as easy as possible to get what you need. Our equipment comes with mobility technology and telematics to help you get the job done right.

There are many benefits you'll get from working with SitePro Rentals Irving:

- Excellent customer service
- Comprehensive and late model inventory
- Advanced telematics and mobile technology
- Local Pros who care about helping our customers



Frequently Asked Questions

Q: Can I pick up the equipment myself?

A: Yes! Provided that you have the right kind of transportation, you can pick up the equipment yourself.

Q: Does SitePro Rentals Irving deliver equipment?

A: Yes. We provide a convenient pickup and delivery service throughout Irving and the surrounding areas.

Q: Do you offer a loss damage waiver?

A: Yes! Our [Equipment Protection Plan](#) can protect you from an unexpected loss.

Q: How long can I rent equipment for?

A: Our daily, weekly, and monthly rates help ensure that you can rent the equipment for as long as you need it.

SitePro Rentals Irving

Branch Manager

Rusty Pate - 29 Years in Rental Industry

Rusty joined SitePro in 2021. Previously he spent over 3 years with H&E Equipment Services as a Branch Manager. Prior to that, he spent 5 years working for NES Rentals as a Branch Managers. Prior to that, he worked at Sunbelt Rentals for 10



SitePro Rentals Irving

Rusty Pate, Branch Manager

1400 S. Loop 12

Irving, Texas 75060

214.269.5895

Open 7:00 a.m. to 5:00 p.m. Daily

UPCOMING EVENTS

REFRESH YOUR HEADSHOT

Photo Session with
Ethos Media

Tuesday, June 20

3:00 - 6:00 p.m.

\$80.00 per person until 6/13

\$100.00 per person after 6/13

Maggiano's Little Italy
6001 W. Park Blvd. | Plano

Hair & Makeup Artist will be
available to freshen up your look.

Come-and-Go Event

Heavy Appetizers and Cash Bar

HUMAN RESOURCES SEMINAR

Thursday, July 13

11:00 a.m. - 4:00 p.m.

\$50.00 - SAM Member

\$75.00 - Future Member

Includes Printed Materials, Boxed
Lunch, & Validated Parking

Park Central 7
Education Room
12750 Merit Drive | Dallas 75251

Presentations by:

TrendHR

Cutler-Smith, P.C.

Sunstate Equipment

TCA Update

Presented by Jennifer Fagan
Texas Construction Association

Tuesday, July 18

4:00 - 6:00 p.m.

\$50.00 per person

Maggiano's Little Italy
6001 W. Park Blvd. | Plano

Heavy Appetizers and Cash Bar

Jennifer Fagan will summarize the
88th Legislative Session

Meet Your Local Politicians

\$860,000,000.00 - CAN YOU PAY THAT?

Maybe you heard about it on the television news, read about it in the newspaper: a Dallas County jury just awarded over \$860 million, collectively, to the plaintiffs in a civil case arising out of the collapse of a construction crane into an apartment building in East Dallas and the resulting tragic death of an apartment resident.

Interestingly, the company that actually owned the crane that collapsed, Bigge Crane & Rigging, was found not to be liable, but rather, the construction team that was operating the crane was tagged with liability.

Could something like this happen to you? You are darned right it could!

It is all too common for general contractors to ask that you allow them, or another project participants, to use your equipment at the jobsite. Sometimes it can be an informal request, something in the nature of, "... *since you already have this equipment here, can we use it?*"

Sometimes is a lot more formal than that, with a general contractor contending that, when you bring equipment to this project, you are automatically allowing them permission to use it. Indeed, on occasion you'll see projects where the general contractor explicitly provides that other subs and the project participants will be allowed to use the equipment you are bringing to the jobsite. A great example is scaffolding systems.

What saved Bigge Crane & Rigging from liability and the giant judgment? The jury found that the general contractor was the operator of the Crane, and thus responsible for its safe use, operation and maintenance, and this was the result of an explicit contract which assigned that responsibility.

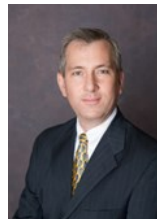
Our routine advice to our clients has always been that, if the general contractor (or anyone else, for that matter) wants to use your equipment, they can only do so after having agreed to specific contractual terms addressing the use of your equipment, and these contractual terms typically must be in a

contract completely separate and apart from the Subcontract by which the GC hired you. Every subcontract agreement provides that the subcontractor will indemnify the general contractor, the owner, and everyone they ever met against any kinds of occurrences; when the general contractor is using your equipment, however, they should explicitly agree to do exactly the same for you, and further, should be contractually undertaking all of the obligations associated with the use, operation, maintenance and inspection of your equipment that they are using.

We have prepared, and provided to our clients for their use, an Equipment Use Agreement which requires, among other things, that the general contractor accept responsibility for inspecting equipment before its use, that they indemnify you against all liability arising out of the use of the equipment, that they explicitly agree that they are obligated to provide a fully-trained and qualified "Competent Person" (as defined by OSHA rules) and (if appropriate), that they pay you for the use of your equipment.

If you are on a project where you are agreeing up front to provide equipment for use by others, you should never allow them to do so without ensuring that there are explicit contract provisions negotiated and entered into by everyone who will be using your equipment, and make sure that you have appropriately priced the liability you are undertaking.

The tragic events in East Dallas are a stark reminder that trouble can find you, in huge measure, even where you do nothing wrong. Take this opportunity to review what risks you're biting off on, and take affirmative steps to reduce them in advance.



Sewall "Spike" Cutler

Park Central 7
12750 Merit Drive
Suite 1450
Dallas, Texas 75251
214.219.0800



MEMBERSHIP BENEFIT - OFFICE DEPOT DISCOUNT



Office Depot & Office Max Discount Program

TCA has partnered with Office Depot's Excelerate America to provide our members with discounts on almost all products. TCA members receive 15-30% off the top 100+ items businesses purchase most and up to 80% on additional business products. Sign up online today. Contact Patrick Finnegan at Texas Construction Association for more information. Pfinnegan@texcon.org, or by phone at 512-473-3773 and mention you're members of the Texas Construction Association.

Sign Up for your Savings at https://www.texcon.org/texcon/Office_Depot.asp



6th ANNUAL CLAY SHOOT

REGISTRATION IS OPEN!

Thursday, October 19

Registration & Lunch - 11:00 a.m.

Safety Meeting - 12:00 p.m.

Shooting Immediately Follows

Appetizers & Beverages

Awards Ceremony

Current Price Through September 30:

Individual Shooter - \$225.00

4-Shooter Team - \$900.00

Sponsorships Available at www.members.sam-dfw.org/calendar

TOP 5 DALLAS COUNTY PROJECT LIENS - 2023

Company Name	# of Liened Companies	# of Liens	Total Liens
210 S. Harwood, Dallas	1	3	\$3,226,318.39
6165 Ridge Centre Drive, Dallas	1	2	\$2,689,273.60
150 W. Main St., Richardson	1	16	\$2,504,618.89
8030 Park Lane, Dallas	3*	5	\$2,101,099.02
940 E. Pleasant Run Rd., Lancaster	1	3	\$1,245,128.97

SAFETY CORNER

SCAFFOLD-USE SAFETY



Every day, workers fall when working on scaffolds, often resulting in either fatalities or permanent injuries. These tragedies are sometimes caused by faulty design or poor construction, but in most cases, **the cause is preventable**: poor scaffold maintenance or improper use are the most common causes.

QUICK REMINDERS AND TIPS FOR SAFE SCAFFOLD-USE

DO:

- Check that the scaffold has adequate weight capacity for the job.
- Inspect scaffolds for safety compliance before use.
- Look for electrical hazards before setting up a scaffold.
- Place scaffolds close to the work area.
- Place scaffolds on firm, level surfaces.
- Make sure work platforms are in good condition and clean.
- Use guardrails and personal fall protection equipment.
- Fully plank work platforms, using scaffold rated planking.
- Secure planking so that they don't move.
- Anchor scaffolds built higher than 4 widths.
- Provide adequate access to the working levels.
- Bring tools to the working level by raising them by rope.
- Replace broken parts immediately.
- Consider and protect people working or walking by below. Tether tools to prevent falling objects.

DON'T:

- Overload the scaffold.
- Use scaffolds near electrical hazards.
- Use broken parts or planking.
- Mix incompatible brands of scaffolds.
- Build the scaffold too high without adequate lateral support.
- Use unstable objects to support the scaffold base.
- Climb on cross bracing.
- Move a scaffold while occupied.
- Use scaffolds during storms or high winds.

When in doubt, STOP and ASK before getting onto a scaffold.

REMEMBER:

The fall you will survive is the fall you don't have!

MOST LIENED COMPANIES - 2023

Company Name	# of Project Addresses	# of Liens	Total Liens
Richardson Gateway LLC	1	16	\$2,504,618.89
Mm Jackosn Parking B LLC	3	10	\$3,630,848.32
Hartman Income Reit or Hartman Spe LLC	8	9	\$249,948.40
Isf Hutchins Parcel 10 LLC	2*	6	\$1,270,423.67
Northwood PI Holdings LLC	2*	5	\$402,644.69

A * Indicates that Liened Companies and Project Addresses are similar.

EEOC Chair Issues New Report

BUILDING FOR THE FUTURE:

Advancing Equal Employment Opportunity in the Construction Industry

WASHINGTON – The U.S. Equal Employment Opportunity Commission (EEOC) Chair Charlotte A. Burrows issued a report today titled, “[Building For The Future: Advancing Equal Employment Opportunity in the Construction Industry](#).” The report provides findings and next steps based on the agency’s enforcement experience, witness testimony presented at the EEOC’s [May 2021 hearing on discrimination and harassment in construction](#) and other Commission hearings, and academic research.

“The recent historic federal infrastructure investments provide a once-in-a-generation opportunity to break down barriers and expand opportunity in the construction industry,” said EEOC Chair Charlotte A. Burrows. “While discrimination has long been an issue in the industry, we can decide the future. I look forward to working with industry leaders, employers, and unions to help ensure safe and inclusive workplaces for all workers.”

The report includes a brief overview of the construction industry followed by a discussion of employment discrimination based on race, national origin, and sex in the industry through the lens of the Commission’s publicly resolved cases over the past decade. The report’s key findings include:

- Women and people of color are underrepresented in the construction industry and especially in the higher-paid, higher-skilled trades.
- Discrimination based on sex, race, and national origin persists and contributes to the underrepresentation of women and workers of color in construction.
- Harassment is pervasive on many worksites and poses a significant barrier to the recruitment and retention of women and workers of color in the industry.
- Racial harassment in construction often takes virulent forms and nooses appear with chilling frequency on jobsites across the country.
- Harassment in construction is a workplace safety issue as well as a civil rights issue.
- Construction workers who experience discrimination often do not know to whom or how to report violations.
- Retaliation is a serious problem in the construction industry and hinders efforts to prevent and remedy unlawful discrimination and harassment.

“We recognize the urgent need for new, different, and collaborative approaches to these persistent challenges,” Burrows said. “Although the EEOC has had considerable success in its investigations and litigation on behalf of construction workers who experience discrimination, these enforcement efforts must be coupled with thoughtful and

effective preventive measures to ensure the industry’s significant opportunities are equally open to all qualified workers.”

The report outlines next steps for the EEOC, including:

- Develop industry-specific technical assistance for employers, unions, and workers to help ensure fair hiring practices, equal treatment on the job, and safe and inclusive workplaces;
- Meet with unions, employers, industry groups, workers, and civil rights organizations to understand their needs, develop coalitions, and provide information about their rights and duties under federal laws prohibiting employment discrimination;
- Provide information about lawful diversity, equity, inclusion and accessibility (DEIA) practices that have been effective in fostering opportunities for all workers;
- Partner with unions, employers, and community-based organizations to provide effective anti-harassment training to apprentices and workers; and
- Work cooperatively with other federal, state, and local anti-discrimination agencies to advance equal employment opportunity in the industry.

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at www.eeoc.gov. Stay connected with the latest EEOC news by subscribing to our email updates.



U.S. Equal Employment
Opportunity Commission



INVESTING IN AMERICA:

5 Takeaways from the ETA 2023 Vision Convening

The workforce system is designed to help job seekers access employment, education, training and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. The Employment and Training Administration's 2030 Vision Convening illustrated how and why the workforce system is the "team that will change America" and help make President Biden's **Invest in America** agenda a reality, as described by White House Senior Advisor Mitch Landrieu in his opening remarks.

Over three days, the convening allowed more than 500 workforce stakeholders, including employers, labor, state and local workforce boards, philanthropy, education and training organizations, united in purpose and passion, to engage, break down silos, build partnerships and strategize on how to invest in America's workers and unleash their full potential. Here are five takeaways from the event:

1. "EQUITY SHOULD BE ENGRAINED IN EVERYTHING WE DO."

Acting Assistant Secretary Brent Parton emphasized that to create opportunities for underserved communities, we must meet people where they are, listen to their needs, and use this information to better serve them. The convening offered various insights on how equity can drive the worker pipeline, such as through the use of [labor-management partnerships](#).

2. THINK DIFFERENTLY ABOUT HOW WE CREATE CAREER PATHWAYS TO QUALITY JOBS.

[First Lady Dr. Jill Biden launched the meeting](#) and shared that when she was growing up, "success meant one thing: getting a four-year degree." However, she acknowledged that times have changed and there is more than one pathway to success. We need to be innovative and intentional about how to ensure that workers have pathways to critical jobs in advanced manufacturing, broadband, clean energy, hospitality, and other sectors. There is no one-size-fits-all solution, but organizations need to tailor their approach when engaging and designing workforce solutions.

In the Creating Industry Champions breakout session, panelists encouraged attendees to look at skills-based hiring practices to not only increase diversity but also widen the talent pool. Ask yourself, "Does this job really require a college degree?" Many of the infrastructure jobs that will be needed in the next decade align with Registered Apprenticeship and other work-based learning models that support development of specific competencies and skills that can be rapidly translated into occupational opportunities.

3. A FUNCTIONING LABOR MARKET REQUIRES A STRONG CARE ECONOMY.

The basic functioning of our economy relies on the care economy, as it enables all other work. We cannot talk about equity without talking about access to childcare and other forms of care. During the *Critical Sectors, Critical Supports* session, [Women's Bureau](#) Director Wendy Chun-Hoon

noted that caregiving costs women on average \$300,000 over the course of a lifetime. To stay connected to the labor force, workers need affordable and flexible childcare options. In the *Options and Best Practices for Providing Access to Affordable, Reliable, and High-Quality Childcare* breakout session, Nicole Schwartz of [TradesFutures](#) discussed a childcare pilot for apprentices in which the organization pays part of childcare costs for anyone enrolled in an apprenticeship program for an entire year. She stressed the importance of being flexible with families, and braiding funds from sources throughout the community.

4. STRONG SECTOR PARTNERSHIPS REQUIRE GETTING THE RIGHT PARTNERS TO THE TABLE.

We should be intentional in how we form our sectoral partnerships. We need to bring the right partners to the table, and if they don't come to you, you must go to them. Every stakeholder plays an essential role in success.

In the *Sector Strategies – What Do We Know and Where Are We Headed* breakout session, Julie Parks from [Grand Rapids Community College](#) shared the importance of having a "neutral facilitator" in a strong sector partnership. The West Michigan Works! workforce board serves in this capacity as the convener for the college, employers, economic development entities, and community organizations to strategize and address the short- and long-term talent needs of their regional labor market. Julie stressed that it takes more than just one education or training provider to address the diverse industry needs in a community – a sector approach creates the opportunity to meet the needs through a coalition, leveraging both expertise and capacity from a diverse group of stakeholders.

5. SHARE YOUR SUCCESSES.

One of the most inspiring sessions was the *Future of Work* session in which LaKeshia Drew, an apprentice, spoke about her struggles as a black woman growing up in the foster care system, raising a son with autism, and finding a pathway into a better life. Her medical assistant apprenticeship "made the impossible totally possible" and changed the trajectory of her life. She described the wraparound services as "beautiful" and exactly what she needed to set her up for success.

Building on her words, [Secretary of Transportation Pete Buttigieg closed the convening](#) by highlighting the Administration's Invest in America initiative and the historic investments in infrastructure, climate, and advanced manufacturing, and the opportunity for renewed federal, state, and local partnerships.

He then concluded with an inspiring message that one good job can change the trajectory of a family and many good jobs can change a generation.

Maya Kelley
Employment and Training Administration

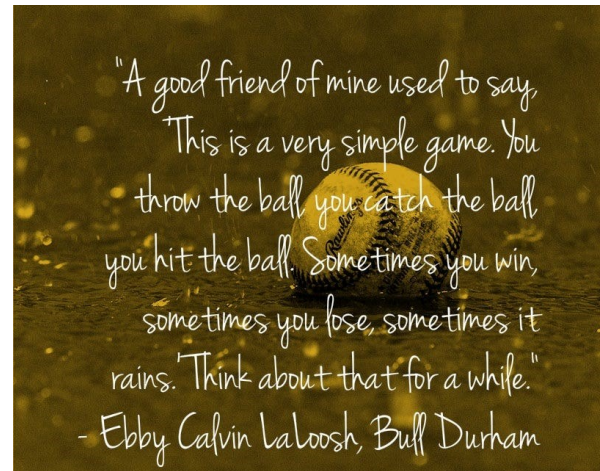
25 HACKS TO WIN AS A YOUNG CONSTRUCTION PROFESSIONAL

1. RTFC - Read the F* Contract!
2. Take Notes - Your memory is not that great. You will forget a lot.
3. Keep a To-Do List
4. Keep a Follow-Up List
5. You will probably get yelled at. Don't take any of it personally.
6. Everyday you will hear something new that you don't know the meaning of. Write it down. Google it when you have time.
7. Ask for Honest Feedback and Constructive Criticism.
8. Actually Act and Do Something with that feedback.
9. Talk to people from different trades and roles. Learn what they do.
10. Listen more than you talk.
11. Ask more thoughtful questions when you talk.
12. Never say, "I don't know how." Instead, say, "How can I?"
13. When you commit to do something, Do It! And do so without having to be followed up on.
14. Follow Dale Carnegie's Rule #1 - Don't Criticize, Condemn, or Complain.
15. Follow Johnny Smith Rule #1 - To be early is to be on time. To be on time is to be late. To be late is unacceptable.
16. Understand that right, wrong, or indifferent, you will have to make a decision. Make it and do not dwell on it.
17. You will make mistakes. No biggie! Just try not to make the same mistake twice.
18. Be respectful of everyone ALWAYS. From the CEO to the Day Laborer picking up the trash.
19. Be a contributing member of the team. Don't worry about who gets the credit.
20. Realize you will never know it all. Even the 30+ Years experienced guys learn something every day. Embrace it!
21. Get your boots muddy. Set aside time each day to walk the project and note progress on your plans.
22. It is 2023. The industry is still recovering from Covid and dealing with a looming recession. Work with understanding and empathy.
23. Expand your Network. There is real truth to the old saying, "It's not WHAT you know; it's WHO you know."
24. Say Yes! Remember you choose your level of involvement and you get out what you put in.
25. Have fun! We get to build some cool stuff. Enjoy the ride!

Source: Construction Curiosities #49

By Matthew Graves, The Construction Yeti

Subscribe to his Newsletter and Podcast Today!



OUR ASSOCIATION LEADERSHIP

Eric Hernandez - USI Southwest
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Josue Garay - Garay's Concrete Work
Director

Matthew Singel - Anderson Paving
Director

Robert Petitti - INSURICA
Director

Spike Cutler - Cutler-Smith, P.C.
Legal Counsel
scutler@cutler-smith.com

How Can You Help SAM?

We need committee members to help brainstorm and execute new ideas that the committees decide to implement in SAM.

This Association was created for YOU, the subcontractors in Dallas-Fort Worth. Your involvement is the key to your getting what you want from SAM!

Contact Carrie to sign up as a committee member.

Subcontractors Association of the Metroplex

Carrie Buckley, Executive Director

P.O. Box 210261 | Bedford, Texas 76095

817.266.1909

