



PUNCH LIST

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FEBRUARY QUICK HITS

On February 9, the Construction Industry Education Foundation (CIEF) hosted its Trades Day Expo at Collin County's Technical College. 247 high school students visited 20 interactive booths to learn more about the trades.

SAM Members attended the event as Sponsors, Exhibitors, and Volunteers.

Thank you for your support of CIEF and its mission to bring our industry to the classroom!



SitePro Rentals (Volunteer)
& SRH Landscapes (Sponsor)



Astro Sheet Metal



SRH Landscapes (Sponsor)



Tom Crossland visits with
Steve Paxton & Dan Collins

SAM also hosted the first of three SAM University Seminars focusing on Risk Management.

15 attendees learned the Basics of Insurance, received an Introduction to OSHA, and learned about Red Flags on Projects.

Thank you to our speakers Eric Hernandez (USI), Joe Smith (Cornerstone Safety), Garrin Fant (Cutler Smith, P.C.) and Cindy Karm (Cutler Smith P.C.).



Eric Hernandez
USI Southwest



Joe Smith
Cornerstone Safety



Garrin Fant
Cutler Smith, P.C.

We enjoyed some gorgeous weather for our Annual Toss & Taste event. Thank you to APWC for working with us to host an amazing networking event for members in both associations!

Thank you to our Sponsors: SitePro Rentals (Ghost Pepper Sponsor), DCG Environmental (Ghost Pepper Sponsor), and Republic Roof (Habanero Pepper Sponsor).

Thank you to our Raffle Donors: Roof Experts, INSURICA, King of Texas Roofing, and The ProHunters.

Congratulations to our winners! SitePro Rentals won Best Chili, and LarMar Industries won for Cornhole.



SAFETY CORNER

Hand injuries are far too common in the construction world. We as subcontractors need to pay attention to hand safety due to the fact of how common they are, how debilitating they can be for the employee, and how costly they can be for the employer.

Follow these simple steps to minimize hand injuries:

1. Multiple weekly safety topics about hand safety throughout the year help keep it in the minds of the employees.
2. Looking at your Risk Management Program. Do you have a hand safety section? Do you think it needs updating?
3. Requiring gloves for certain applications.
4. Ensuring that hand guards are in place on machinery and power tools.
5. Getting your team to buy in on hand safety from the top to the bottom.

Remember approximately 25% of all disabling injuries involve hands and fingers.

Tommy Parker
Safety Committee Chair, SAM

The Texas Division of Workers' Compensation (DWC) offers low-cost Occupational Safety and Health Administration (OSHA) 10-Hour Construction classes in English and Spanish. The OSHA 10-Hour class offers an interactive class participation through in-person instruction. The two-day or three-day courses are presented by authorized instructors and designed to instruct employers and their employees in the essentials of occupational safety and health in construction.

Classes cover OSHA standards and requirements as they apply to the construction industry, and safety awareness to help in recognizing and reducing the risks of jobsite hazards. Participants who successfully complete all of the two-day in-person courses or three-day online course will receive an OSHA 10-Hour Construction class completion card (typically within six to eight weeks).

Fort Worth - Spanish, In Person - March 12-13, 2024

Fort Worth - English, In Person - March 14-15, 2024

Visit our website for more dates and registration links.



MEMBERSHIP BENEFITS

TCA's OFFICE DEPOT DISCOUNT PROGRAM

With your membership, you are automatically a member in the Texas Construction Association. The Texas Construction Association is comprised of 16 subcontractor associations in Texas.

The Texas Construction Association was created 25 years ago to create an give subcontractors a louder voice when working through the legislative issues they face on a day-to-day basis. Sure, you can speak with your state representative about retainage, statute of repose, or design defects legislation, but imagine the impact if you banded together with hundreds of other subcontractors that face the same challenges. That was the inspiration for the creation of TCA.

TCA's Mission is to level the playing field between general contractors and subcontractors in commercial construction.

TCA has a variety of additional benefits that are accessible to

you as member in your local subcontractors association.

One of the long-standing benefits is the Office Depot Discount Program. Each member company was once given a physical discount card which allowed them access to the awesome savings. However, with the growing digital presence in everything, the card was discontinued.

To learn more about the program, how to register for your discount code, the most popular items purchased, and the available savings, visit our website. You will find a recorded webinar and slides with this information.

Contact Carrie Buckley if you need more information.

817.266.1909 or 512.255.6373

director@sam-dfw.org

director@ctsaonline.org



SAM is excited to host our First Annual Golf Tournament on May 9!

This event is open to anyone in construction. This includes SAM Members, Suppliers, Other Subcontractors, and General Contractors.

Please invite any colleagues you have to hang out with us for the day.

We need about 3-4 Volunteers for Registration and 3-4 Volunteers to help with Lunch, the Raffle, and Awards.

Contact Carrie Buckley with questions: 817.266.1909 or director@sam-dfw.org.

PROJECT LABOR AGREEMENTS ON BIG PROJECTS: ARE YOU READY?

You may recall that, in the spring 2022 edition of this column, your humble author inform you about the current presidential administration's intent to require Project Labor Agreements (PLAs) on all substantial federal projects. At that time, the Executive Order still required the rulemaking process be completed, that rules for the implementation of the Executive Order be drafted and published.

Well, that process is now complete.

On December 22, 2023, the FAR Council issued its final rule, and the changes to the proposed regulations were few. At its core, the new Rule mandates that, with limited exceptions, all federal projects valued at \$35 million or more must include a requirement that trade contractors enter into Project Labor Agreements as a condition of performing the subject work. And, lest you think you'll avoid the issue by working on smaller projects, the Rule includes a provision that *"An agency may require the use of a project labor agreement on projects where the total cost to the Federal Government is less than that for a large-scale construction project, if appropriate..."* – and the standards for what constitutes "appropriate" pretty much boil down to, "if you feel like it."

The requirement of PLAs is stated to institute improved processes for dispute resolution and avoid job disruptions. Of course, during his campaign for the presidency, President Biden was very direct in stating that his administration would be the most friendly administration to organized labor ever. It appears, with this Executive Order, he is delivering on that promise.

The factual findings at the beginning of the executive Order, findings intended to establish a predicate justifying the Order, include this: *"Construction employers **typically do not have a permanent workforce**, which makes it difficult to predict labor costs when bidding on contracts and to ensure a steady supply labor on contracts being performed."* (Executive Order 14063, emphasis added).

While there are exceptions to the requirement for PLAs on large-scale projects, these exceptions are narrowly-crafted to ensure that they'll rarely apply, and to be blunt, crafting an exception requires considerable effort on the part of the federal government agency to explain the need for the exception. Exceptions will be rare.

There is bound to be significant litigation filed to narrow or eliminate the effects of the new Rule, but if you are intending to perform work on a federal projects valued in excess of \$35 million (and in this day and age, that's nearly all of them), you need to make sure you understand the full implications of the new Rule. The overwhelming majority of commercial construction trade contractors (more than 85%) are merit shop contractors, companies which are not signatories to Collective

Bargaining Agreements with labor unions. The steady decline in union participation has been underway long enough that, now, very few trade contractors have experience with dealing with labor unions and Collective Bargaining Agreements.

PREPARING?

Be sure you read and understand the applicable PLA requirement for any project you intend to perform that is subject to this new Rule; (bid package is required to include this information; if it is not, look for it, and verify whether none will be required!). While the new Rule explicitly provides that *"An agency may not require contractors or subcontractors to enter into a project labor agreement with any particular labor organization,"* the realities dictate that you'll almost always be subjected to dealing with the craft union applicable to your trade, and they'll know they hold the cards. You should operate under the assumption that you will have a meaningful reduction in the efficiency of your workforce, based upon union work rules and the (ironic) reduction in productivity that is likely to occur with jurisdictional disputes at the job site; with a union contract comes an entirely new set of rules and bureaucratic machinations which will likely be unfamiliar to you.

Trade union leaders are likely to regard this PLA and their resultant exposure to large numbers of your personnel as a golden opportunity to both organize your workforce for a union election, and also, to disrupt the business operations of non-union contractors, so you need to be prepared to educate your personnel on proper behavior when dealing with union-affiliated employees and personnel. Something which, to you, may be routine and the proper behavior could very easily be re-characterized as an "unfair labor practice" by a union organizer, and you'll find yourself appearing before the National Labor Relations Board to defend yourself. To be blunt, the NLRB, especially as now constituted, is not exactly a fair and even-handed tribunal!

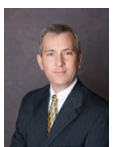
The Final Rule publication, including the text of the new Rule, can be found at:

<https://www.federalregister.gov/documents/2023/12/22/2023-27736/federal-acquisition-regulation-use-of-project-labor-agreements-for-federal-construction-projects>

Or, you can contact the author at SCutler@Cutler-Smith.com for a copy.

We'll be certain to update you in these pages if, and when, any changes to the Rule and its effects are imposed, whether through litigation or the political process (I hear there is an election coming up next year...).

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Is it time to start looking at your router?

Corporate routers are among the least updated devices on your network. Hackers know this and they have been actively exploiting holes in router security to attack networks in recent months.



PETER VAVROSKY
CO-FOUNDER,
BLACK BELT SECURE



Earlier this year, the UK National Cyber Security Center (NCSC), the US National Security Agency (NSA), the US Cybersecurity and Infrastructure Security Agency (CISA), the US Federal Bureau of Investigation (FBI), as well as Cisco's Talos security intelligence group, have all issued warnings about increasingly sophisticated attacks aimed directly at networking equipment.

Due to their popularity, Cisco routers and firewalls are among the most targeted network infrastructure devices on the internet, with exploits being released nearly monthly, but they aren't alone. Huawei, Juniper, Alcatel, D-Link, MikroTik, Netgear, Ubiquiti, QNAP, Fortinet, and ZyXEL are also in the crosshairs of various threat actors, including from state-sponsored hacking groups like Fancy Bear, which are closely associated with the Russian military intelligence agency GRU.

When last have you updated your router or firewall?

The question many may be wondering, is "why?" Why go after routers and firewalls? There are two reasons for this:

1. Routers/Firewalls sit at the perimeter of the network and are often the first and major line of defense. If hackers can breach the router due to poor security or outdated firmware, they could potentially gain access to your network.
2. Due to the constant uptime requirements of these devices, they are very rarely updated.

What can you do to protect yourself?

Make Sure All Devices Are Updated
REGULARLY Software updates are the Achilles' heel of cybersecurity because they are often neglected. Hackers know this. Updating your software and firmware is the easiest way to ensure that you have the right security patches in-place.

Replace Legacy Hardware Holding on to end-of-life hardware for financial reasons is never a good idea because the amount of money that can be saved pales in comparison with the potential cost of a cybersecurity incident caused by vulnerabilities. Get into the habit of replacing equipment on cycles and plan it in your budget.

Implement Strong Authentication This is becoming a pillar in cybersecurity these days. If your router or firewall has MFA (Multi-Factor Authentication) options, enable them. If you have been shipped a router or firewall from your ISP, change the passwords immediately and make them complex. Don't use the same password as you use for domain administration.

In Conclusion...

By implementing these practices, you can improve the security posture of your organization dramatically, and make it much harder for hackers to get it.



SAM'S LIEN INFORMATION

SAM collects and compiles the information on Mechanics Liens filed in Tarrant and Dallas Counties on an ongoing basis. This information is available in a searchable spreadsheet on our website for our members. We are able to observe some trends and common owner issues. During our regular meetings, we invite our attendees to share their work experience with General Contractors, Engineers, and Architects as a way to help others when evaluating contracts and projects. Our members find these two features the most valuable aspect of their membership in SAM.

NEW! Find the complete Top 10 Lists for the tables below in tabs in the Lien Spreadsheet.

NEW! Search All Data in the Most Liened Companies and Most Liened Projects Tabs.

Contact Carrie Buckley today for more information - 817.266.1909 or director@sam-dfw.org.

We are already seeing some very large liens in 2024. Contact Carrie if you need a User Login to access our Lien Spreadsheet.

MOST LIENED PROJECT ADDRESSES (BY TOTAL \$)

Company Name	City	# of Liens	Total Liens
4101 Beverly Drive	Dallas	4	\$48,457,514.85
5001 N. President George Bush Hwy	Sachse	3	\$32,963,694.86
800 North Harwood St.	Dallas	2	\$7,514,542.12
12150 Medical Pkwy. North	Farmers Branch	1	\$6,404,355.08
201 Clay Rd.	Sunnyvale	4	\$4,658,679.84

MOST LIENED COMPANIES (BY NUMBER OF LIENS)

Company Name	# of Project Addresses	# of Liens	Total Liens
Evolve Biologics (USA) Inc.		18	\$37,569,645.33
4101 Trust		4	\$47,883,406.72
Landmark Industrial at Sunnyvale LLC		4	\$4,658,679.84
Moon Hotel Arts District Ltd.		2	\$7,514,542.12
Myra Park 635 LLC		1	\$6,404,355.08

CREDIT INFORMATION WITH NACM

SAM and NACM (the National Association of Credit Managers) formed a partnership at the beginning of the year. During our monthly meetings, a representative with NACM will answer credit questions about general contractors. SAM Members may request credit reports outside of our monthly meetings for a nominal fee.

NACM offers collection services as well. They will not file liens on your behalf, but they will collect on those accounts that you would not file a lien for.

Contact Tony Clark with NACM or Carrie Buckley for more information about this **NEW** Membership Benefit.

Tony Clark - tony@nacmsw.com



SOLUTIONS TO CONSTRUCTION'S LABOUR SHORTAGE - INCLUSION AND PSYCHOLOGICAL SAFETY

It seems almost impossible to avoid mention of the labor shortage in mainstream and social media these days and, despite rumblings having been around for as long as many workers can remember, it does not seem that much was done to prevent it. This article sheds light on potential solutions that may be easier to implement than you think.

There are currently amazing efforts backed by industry and government to get more people interested in construction careers, especially skilled trades and it is working to some extent, but numbers can be deceiving. Literally, millions of construction workers will be eligible for retirement within the next 10 years. This number of roles to fill is alarming and will be no small challenge to overcome; however, when you dig deeper into the numbers things become even more concerning. The figures in the assessment address the *quantity* of workers but leave the *quality* untouched.

They imply that one new entrant is equivalent to one retiree or, in other words, a supervisor with 30 years of experience is considered equal to a first-year apprentice, a stark contrast. This information is not highlighted to be alarmist but rather to emphasize the importance of the issue and everyone's required involvement in the solutions.

The construction industry today faces both external and internal challenges that have worsened the effects of the labour shortage. From the outside looking in, it is not a great place to work. Much of the general population views construction as a hindrance on their morning commute, as noise and air pollution from machinery, and stereotypical gruff workers. From this perspective, you could say that construction has a marketing issue. Internally, we do a terrible job in the way we treat others and creating a positive human experience both on-site and in the office. Examples of this can be found in the quality of site washrooms and the combative, argumentative and litigious nature of the industry today.

Simply put, the human experience in the construction industry has been systemically lackluster and exclusive, and adding more diverse populations of people into the current state of the industry alone will not solve the problems we are facing, it will make them worse or even introduce new ones.

The future of construction will require a true shift in traditional mindsets and a re-evaluation of what it means to be inclusive and collaborative to provide psychological safety for everyone to thrive and be their best. These terms are not used as buzzwords for marketing copy but as calls to action for anyone reading this. The challenges we are facing today are not isolated to executive leadership or human resources, although those groups will play a key role in helping to address them. The responsibility extends beyond any specific role or department – it is up to everyone, at all levels of organizations to think critically about how they treat their co-workers,

customers, suppliers, and vendors and how it impacts the overall industry ecosystem.

When people feel unsafe, they are distracted by risks or concerns and their performance, relationships, and careers will suffer. When defining safety many people consider only physical safety which has improved drastically in recent decades and reduced physical harm and loss exponentially. Imagine the impact on the workforce and industry if the same efforts were focused on psychological safety. It would be extremely beneficial to worker productivity and team performance - especially as it pertains to the labour shortage and diversity initiatives which are, after all, "people problems" that cannot be solved by technology.

It is easy to be overwhelmed by such widespread, complex, and overarching issues but here are 6 things you can start doing right now to make the construction industry more appealing for existing and prospective workers by fostering inclusion and collaboration to develop an environment of psychological safety.

1. **Create Awareness:** Companies can invest in ongoing training and education programs that inform employees about the challenges the industry is currently facing and how to address them. These programs can help break down stereotypes and biases while equipping workers with the tools to recognize and address them. By fostering a culture of learning and open-mindedness, construction companies can create an atmosphere of inclusivity, making a more welcome environment for all.
2. **Diversify the Workforce:** Encourage your organization to actively diversify its workforce. Embrace gender, ethnic, and age diversity. Research consistently shows that diverse teams are more innovative and effective. By attracting and retaining a broader talent pool, construction can tap into fresh perspectives and ideas, ultimately benefiting not only projects and teams, but the industry as a whole. In order for this step to be successful, organizations must first complete the point above to ensure a culture that embraces differences and challenges and understands how to overcome them.
3. **Collaborative Processes:** Promote collaborative decision-making at all levels of your organization. Encourage workers to provide input and feedback, regardless of their position or title. This not only leads to more well-rounded decisions but also makes everyone feel valued and heard, contributing to psychological safety. Be clear that their involvement is important and valued but they must be reasonable about the outcome even if it does not go their way. Communication goes a long way to avoid conflict.
4. **Mentorship and Leadership Development:** Establish mentorship programs to help everyone, including underrepresented groups, advance in their careers.

Encourage senior leaders to mentor and sponsor diverse talent. This will not only provide opportunities for career growth but also create a culture of support and mentorship that boosts psychological safety. This is an important factor to address the labour shortage as a key to the future will be doing more with less. Broaden the reach of mentors.

5. **Communication, Transparency, and Authenticity:** Emphasize transparent communication and follow through with actions. Ensure that all workers are well-informed about project/corporate goals, progress, and any changes. Clear, open communication fosters trust and reduces anxiety, two essential components of psychological safety, and the behavior of ensuring that actions are consistent with communication reinforces the value. Beware that actions that are misaligned with communications will be off-putting and detrimental to the organization.
6. **Zero-Tolerance for Harassment:** Enforce a zero-tolerance policy for harassment, discrimination, and bullying. Create a reporting system that protects whistleblowers and ensures swift and appropriate action against offenders. An environment free from harassment is a cornerstone of psychological safety.

The construction industry stands to gain significantly by prioritizing inclusion, collaboration, and psychological safety as core values for the future. These principles not only improve the well-being of the workforce but also lead to better project outcomes, increased innovation, and enhanced reputation which will help to address the labor shortage and inclusion initiatives. By embracing these ideas, construction can build a brighter and more inclusive future for all involved.

Article Written by Angelo Suntres, CM Mentors Guest Ep. 1

Subscribe to Construction Curiosities from the Construction Yeti. Each weekly newsletter includes an article, a video, and a meme. It is an easy read that will definitely brighten your day!

A NEW YEAR, NEW OPPORTUNITIES TO IMPROVE

A new year always feels like you've gotten a clean sheet of paper to write your business story – use this opportunity to review some key practices.


From my observation, many trade contractors are lax in detailing the assumptions and limitations applicable to their bids and proposals, and especially, specific exclusions from their offer to perform the subject work. Remember this: you know what you bid to do, but unless you are very detailed and explicit in describing inclusions, exclusions and assumptions made the basis of your bid, you may find yourself in a battle with the general contractor whose scope of work is described as “*masonry-complete*,” a purposely vague description intended to relieve the general contractor of the responsibility to properly manage the work of its many trade contractors. And remember: if your proposal to do the work is based upon starting at a particular time, and performing within a particular duration, include these critical schedule elements in your bid, so you don't later find yourself performing what was intended to be a routine project in fair weather is an accelerated and compressed project during the depths of winter.

Let's make it a profitable – and safe - 2024!

Sewell “Spike” Cutler
214.215.0900
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UPCOMING EVENTS



Construction Management

CLASS SCHEDULE:

BREAKING DOWN GC PAY APPLICATIONS
Becca Neu, Neuco & Associates

BASICS OF BONDING
Mary Prey, FCCI Insurance Group

PROJECT MANAGEMENT 101
Tyler Davis, Groves Electrical Service

AFTER THE BID
Tommy Parker, Fox Electric

www.sam-dfw.org

BECCA NEU
MARY PREY
TYLER DAVIS
TOMMY PARKER



SUBCONTRACT LANGUAGE: THE GOOD, THE BAD, AND THE UGLY

APRIL 4, 2024 11:00 AM - 4:00 PM

**Park Central 7
First Floor Education Room
12750 Merit Drive
Dallas, TX 75251**

Sponsored by:





Spike Cutler

www.sam-dfw.org

CHEERS TO BEING CROOKED AGAIN

LONDON (AP) — The owners of a quirky 18th century British pub unlawfully bulldozed after a mysterious fire last year were ordered on Tuesday by a local council to rebuild it — and to stick to its original, lopsided dimensions.

The watering hole — known as the Crooked House for its leaning walls and tilting foundation — favored by many locals in the village of Himley, central England, was gutted by a fire and subsequently demolished last August.

Its demise saddened many in the village, about 210 kilometers (130 miles) northwest of London, and became the subject of a criminal investigation. Three people were arrested and later released on bail in connection with the blaze but no one was charged.

In a statement, the South Staffordshire Council said it had “engaged with the owners” and now ordered the pub rebuilt “back to what it was prior to the fire” by February 2027 or face prosecution for failing to comply. The notice was served on owners, Adam and Carly Taylor and the company secretary of ATE Farms, which bought the inn. They have 30 days to appeal the notice.

The fire took place two weeks after the pub was sold by operator Marston’s. Two days later — and before a cause could be determined — the pub was bulldozed without authorization, which raised questions among local residents.

Roger Lees, the leader of the council, praised campaigners whose “aim is to see the Crooked House back to its former glory.” More than 35,000 people joined the ‘Save The Crooked House (Let’s Get It Re-Built)’ Facebook page.

“We have not taken this action lightly, but we believe that it is right to bring the owners, who demolished the building without consent, to account and we are committed to do what we can to get the Crooked House rebuilt,” Lees said.

Andy Street, the mayor of the wider West Midlands region who has supported the pub’s reconstruction, welcomed the decision in a post on X, formerly Twitter. “Fantastic work from South Staffordshire Council,” Street said.

The pub, originally built as a farmhouse in 1765, started sinking on one side as a result of extensive coal mining in the area, which is part of England’s region widely known as the Black Country, a reference to its industrial and mining heyday in the mid-19th century.

Around 1830, it became a pub and was called The Siden House — siden meaning crooked in the local dialect.

In the 1940s, it was renamed the Glynne Arms but was condemned as unsafe and scheduled for demolition until a forebear of Marston’s bought it and made it safe.

Renamed as The Crooked House, it became a tourist attraction, drawing visitors to admire its odd structure, one side standing about 1.2 meters (4 feet) lower than the other. Now, there is only three years to go until the pub rises again and thirsty regulars can sip a beer — or two.

By Pan Pylas, AP News

Invite Subcontractors to our Meetings & Seminars!
Invite General Contractors to our Golf Tournament!

OUR ASSOCIATION LEADERSHIP

Eric Hernandez - USI Southwest
President & Membership Chair

Bryan Kindopp - Staley Steel
Vice President

Debbie Parker - King of Texas Roofing
Secretary

Becca Neu - Neuco & Associates
Treasurer & SAM University Chair

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

Donna Nuernberg - Donna Nuernberg
CPA

Josue Garay - Garay’s Concrete Work
Director & Philanthropy Chair

Matthew Singel - Anderson Paving
Director & Communications Chair

Robert Petitti - INSURICA
Director & Events Chair

Tommy Parker - Fox Electric
Director & Safety Chair

Carrie Buckley
Executive Director

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
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