

Carolinas Mid-Winter
Roofing Expo
PAGE 10

Escalation Clauses
Can Help Contractors
Mitigate Price Increases
PAGE 22

Metal Panels Create
High-Tech Appearance for
Energy-Positive School
PAGE 20

CAROLINAS CONTACTS

CRSMCA – Covering the Carolinas for over 65 Years



7 CONSTRUCTION JOBS FOR DRONES

NOVEMBER/DECEMBER 2019

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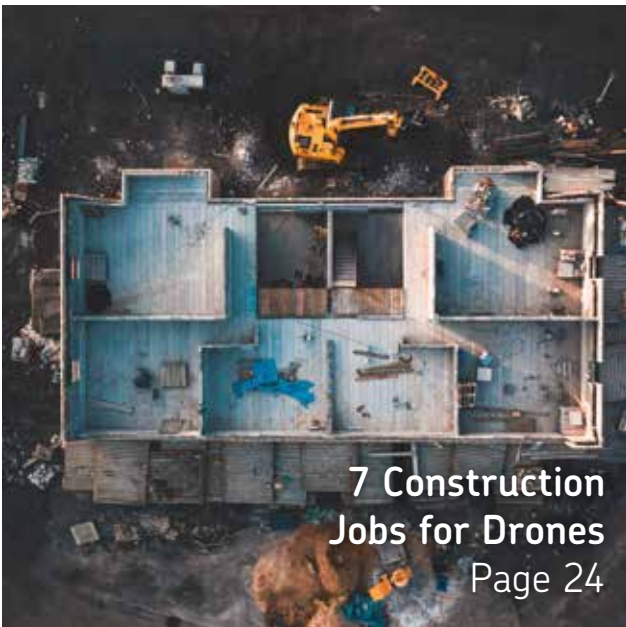
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Metal Panels Create High-Tech Appearance for Energy-Positive School
Page 20



Escalation Clauses Can Help Contractors Mitigate Price Increases
Page 22



7 Construction Jobs for Drones
Page 24

IN THIS ISSUE...

November/December 2019

- CRSMCA Letter from the President..... 4
- Association in Action 4
- Letter from the Associate Group President..... 5
- News in the Carolinas 6
- Carolinas Mid-Winter Roofing Expo
Conference Agenda, Exhibitor List, Forms..... 8
- Are Liquidated Damages Always Enforceable?17
- Metal Panels Create High-Tech Appearance
for Energy-Positive School18
- What It's Like to Be a Woman
Who Runs a Construction Site19
- Escalation Clauses Can Help Contractors
Mitigate Price Increases20
- 7 Construction Jobs for Drones22
- Safety Talks/Charlas de Seguridad.....24



Letter from the **PRESIDENT**

Everyone is in the season of getting jobs done and getting prepped for the holiday season. May you all take a moment to reflect on your year and enjoy the time spent with family and friends.

The Carolinas Mid-Winter Roofing Expo is just around the corner and it will be held in the ballroom of the Hyatt Regency hotel in Greenville, South Carolina, January 14-16, 2020. Check out this issue for additional information!

This will be a great opportunity to start the new year of visiting with your peers in the roofing industry, as well as gaining almost 5-hours of continuing education. Why is this important?

The North Carolina Licensing Board for General Contractors has implemented a requirement of 8-hours of roofing industry seminars/training to renew your license in 2021. Need more information on this? Contact the CRSMCA office to get the scoop!

Exhibitor booth space on the show floor is less than 10 booths from being sold out and pre-registration is looking good as well. There is room for financial support in the way of sponsorship from ALL CRSMCA members. Your support is always appreciated and acknowledged by the members of CRSMCA.

I will close by asking that all of us remember to make an effort to do business with the suppliers and all members who support our association with their time and money.

I wish you and your families a very Merry Christmas and a Happy New Year.
—Mickey Childress, Triad Roofing Company



Association **IN ACTION**

It's hard to see another year has come and gone and yet we are heading into a new century! I hope you have had a great year full of fun, laughable and lovable moments... may these be the memories that you cherish and remember when you need a gentle reminder.

When the New Year comes, CRSMCA will be jumping into their first conference for the year in Greenville, South Carolina. CRSMCA will be hosting the Carolinas Mid-Winter Roofing Expo with over 70 exhibitors, hundreds of contractors, architects and engineers, as well as some

of the leading roofing industry speakers providing the latest in education in metal decking and maintenance. **YOU DON'T WANT TO MISS THIS...** check out the rest of this issue to read up on the speakers and to find your registration forms. You can also register online at here. If you have any questions at any time, do not hesitate to reach out to the CRSMCA office at 704-556-1228.

CRSMCA will be hosting their 3rd Annual Spring Golf Tournament on May 14, 2020 in Concord, North Carolina. Hole sponsorships are almost full, but there are still plenty of opportunities to sponsor this event to spotlight your company

and visit with the contractors from North and South Carolina. You are guaranteed an amazing time!

As always, if your company needs any form of training, please contact the CRSMCA office to discuss how CRSMCA can help your company stay safe and educated when on the job!

I look forward to seeing you all at the next CRSMCA events that are coming up in the Spring and Summer. There is always growth and strength in numbers and opportunities to grow not only YOUR CRSMCA, but YOUR roofing industry!

—Carla B. Sims, CRSMCA Exec. Director



CAROLINAS ROOFING & SHEET METAL CONTRACTORS ASSOCIATION

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Carolinas Contacts addresses issues and concerns of the roofing industry. Technology, test, and building codes are constantly changing, and such changes may not be reflected herein. All information is presented for the benefit of our readers and does not necessarily reflect the views of CRSMCA. Press releases and product information presented do not reflect all available materials. Before purchasing, installing, using, or recommending any product, system, or method, readers should make independent evaluations.

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POSTAGE PAID AT CHARLOTTE, NC.

ADVERTISING AND EDITORIAL FORMS CLOSE ON THE 10TH OF THE MONTH PRECEDING PUBLICATION. ADVERTISING RATES AVAILABLE UPON REQUEST TO CRSMCA, PO BOX 7643, CHARLOTTE, NC 28241-7643.

PRINTED BY CRSMCA, CHARLOTTE, NC

GRAPHIC DESIGN BY RHONDA SERGEANT, CHARLOTTE, NC

THE CRSMCA MISSION STATEMENT

To promote and safeguard the common business interest of its members and to improve conditions by educating all persons concerning the roofing and sheet metal business and industry. To work for the development and progress of the roofing and sheet metal business industry and to work with individuals' organizations and governmental agencies toward the achievement of a stronger profession of the roofing and sheet metal industry.



Letter from the ASSOCIATE GROUP PRESIDENT

With the holidays in progress and the New Year coming, I always like to take the time to reflect on the events of this year and prepare for the year to come. The year started out at a delayed pace due to the record rainfall we saw through most of the Carolina's during the winter and spring months. When the weather finally broke it brought sunshine and the flood of the contract backlog most people had built up. The condensed cycle brought its own problems from labor shortages, shorter timer tables, and trucking problems. Overall, I think most of us can agree that 2019 was a great year. The economy is booming, there is an abundance of work, and we finished the year out with great weather.

Looking forward, the start of 2020 looks strong and hopefully the election cycle has a minimal impact on the economy. The Winter Expo will be held this year from January 14th to 16th at the Hyatt Regency in downtown Greenville SC. Last time we had it here they turn out was great. The show will display all the latest and greatest from manufactures and distributors, what is changing in our industry, and lots of great speaker with relative topics. It is a great place to network and downtown Greenville has tons to offer in the way of entertainment.

I wish everyone a happy holidays and I hope you get to spend plenty of time with family and loved ones as we wrap 2019 and move ahead. —Erik Hauck, ABC Supply

METAL DECK REPLACEMENT?



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Training information, registration and training course and dates can be found at https://www.labor.communications.its.state.nc.us/OSHPublic/ETTA/class_regist/calendar.cfm

TRAINING EVENTS

- Wednesday, January 22, 2020 – Toxic and Hazardous Substances (webinar)
- Thursday, January 23, 2020 – Respiratory Protection (webinar)
- Friday, January 24, 2020 – Exit Routes, Emergency Action Plans & Fire Prevention Plan (webinar)
- Monday, February 3, 2020 – OSHA 10-Hour/OSHA 30-Hour (Raleigh, NC)



FALL PROTECTION AGAIN TOPS OSHA'S 'TOP 10' LIST OF MOST FREQUENTLY CITED VIOLATIONS

Published by National Safety Council Safety+Health, September 10, 2019

For the ninth consecutive year, Fall Protection – General Requirements is OSHA's most frequently cited standard, the agency and Safety+Health announced Tuesday at the National Safety Council 2019 Congress & Expo.

1. Fall Protection – General Requirements (1926.501): 6,010 violations
2. Hazard Communication (1910.1200): 3,671
3. Scaffolding (1926.451): 2,813
4. Lockout/Tagout (1910.147): 2,606
5. Respiratory Protection (1910.134): 2,450
6. Ladders (1926.1053): 2,345
7. Powered Industrial Trucks (1910.178): 2,093
8. Fall Protection – Training Requirements (1926.503): 1,773
9. Machine Guarding (1910.212): 1,743
10. Personal Protective and Lifesaving Equipment – Eye and Face Protection (1926.102): 1,411

Additional details and exclusive content will be published in the December issue of S+H.



EMPLOYERS COULD FACE JAIL TIME FOR FAILING TO PAY SAFETY FINES

The Department of Labor increasingly is pursuing contempt and criminal charges against employers who fail to pay delinquent safety fines, which can lead to company owners facing possible jail time, according to Bloomberg Law.

Travis Slaughter, the owner of Great White Construction Inc., Jacksonville, Fla., faces possible jail time after the DOL asked the Eleventh Circuit in August to hold him in contempt for failing to pay more than \$2 million in accrued Occupational Safety and Health Administration safety fines. In June 2018, the company had been ordered to pay more than \$1.5 million in fines and penalties within 10 days and failed to do so; the fines have since grown to \$2.2 million.

In July, the Third Circuit held a New Jersey concrete company's successor and sole owner in contempt for not paying nearly \$500,000 in fines, and in 2015, the DOL won a contempt order when a company did not pay more than \$400,000 in safety fines from 2000 to 2011.

Benjamin Ross, a safety compliance attorney at Fisher & Phillips LLP, says seeking jail time for employers still is considered uncommon and "in every situation so far, it's drawn out over years ... where a company doesn't negotiate a payment plan or seek or resolve the outstanding payment and ignores warnings from OSHA."

An OSHA representative said to ensure safe workplaces, the agency "will use all appropriate and available legal tools to ensure that those who violate the law are held accountable for their obligations under the Occupational Safety and Health Act."



WOMEN IN CONSTRUCTION INDUSTRY REACHES PRE-RECESSION LEVELS

The number of women employed in the construction industry grew significantly in 2018, increasing to 1.1 million—a total reached before the Great Recession, according to eyeonhousing.org.

Bringing more women into the construction workforce can help the industry combat its skilled labor shortage. Labor force statistics from the Current Population Survey offer a look at women in the construction industry.



ROOFING DAY IN D.C.

ROOFING DAY IN D.C.: HYATT REGENCY WASHINGTON ON CAPITOL HILL APRIL 21-22, 2020

Join fellow roofing industry professionals in Washington, D.C., as we take our message to Capitol Hill! It is important members of Congress see you and hear from you about the critical issues facing your company. To be seen and heard, we need the industry speaking with one voice in Washington, D.C.! Don't miss this opportunity to make a difference for your business and our industry! Questions? Call NRCA's Washington, D.C. office at (800) 338-5765.

During the Great Recession, the number of women in construction fell sharply by nearly 30% to 807,000 by 2010. From 2010 to 2017, the total slowly climbed to about 970,000 but remained below peak pre-recession levels. However, in 2018, 1.1 million women worked in the construction industry, which is up by 13% from 2017 and matches the number of women in the industry before the Great Recession. Overall, the share of women in construction remained relatively stable with a range of 8.9% to 9.7% since 2002; it increased to 9.9% in 2018.

According to the Labor Force Statistics from the Current Population Survey, women in the construction industry mainly are involved in occupations such as office and administrative support, management, business and financial operations. Women accounted for 73.5% of workers in sales and office occupations, including 464,000 women in office and administrative support and 26,000 in sales and related occupations in 2018. More than 350,000 women were engaged in management, professional and related occupations.

Additional workers especially are needed in construction and maintenance occupations, which account for the largest number of employees in construction, and women made up only 3% of that labor force. Groups such as production, transportation and service occupations only employed about 10,000 women.

Did you know? If your company is doing great work to help an organization, you can nominate the project for a CAN/NRCA Community Involvement Award. The winning project will receive



\$5,000 payable to the charity. To view a video about the most recent winning project, go to www.professionalroofing.net. For more information and a nomination form, contact Jaime Sessions, NRCA's communications manager, at (847) 493.7537 or jsessions@nrca.net.



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Register at www.nrca.net/nrcauniversity

NRCA has a vast array of NRCA benefits to help your business prosper. Visit www.nrca.net/membervavigation to learn more.

NRCA is continuing their popular series of FREE WEBINARS on the third Thursday of each month. These new and innovative webinar topics and presenters have been select-

ed to expand your knowledge by giving you new ideas that you can implement into your company immediately. Each webinar offers a unique experience specifically tailored to roofing professionals. Don't miss out on these live opportunities to stay up to date with industry issues affecting your business.

For upcoming webinars and all previous webinar recordings, visit www.nrca.net/webinars.

UP AND DOWN EASTERN U.S.

- Virginia Association of Roofing Professionals, www.varoofingprofessionals.org
- Tennessee Association of Roofing Contractors, www.tarcroof.org
- Kentucky Roofing Contractors Association, www.krca.org
- Roofing & S/M Contractors Association of GA, www.rsmca.org
- Florida Roofing & Sheet Metal Association, www.floridarroof.com



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This year's Mid Winter Expo will be held in Greenville, SC.



Carolinas Mid-Winter Roofing Expo

CONFERENCE AGENDA

TUESDAY, JANUARY 14, 2020

8 AM–5 PM

Exhibitor Setup (Hyatt Ballroom)

9–11 AM

CRSMCA Associate Group Liaisons Meeting

11 AM–6:30 PM

Registration You must stop by the registration desk and pick up your badge. Your badge is your admission to all the conference events.

11:30 AM–1:30 PM

CRSMCA Executive Committee Meeting

12–4 PM

CRSMCA Master Installers Certification Class 1: Know Your Roof Deck

The Master Installer Certification Program is designed to promote exceptionalism in the application of the roof systems. It is intended for roofing workers, foremen and supervisors. Classes are designed to familiarize students

with issues and concerns relating to the application of roof systems and those that directly affect habits and behaviors during your job performance.

2–5 PM

CRSMCA Board of Directors & Associate Group Liaisons Meeting

5:30–7 PM

Networking Reception [open to all employees] (Ballroom)

WEDNESDAY, JANUARY 15, 2020

7:30 AM–5 PM

Registration You must stop by the registration desk and pick up your badge. Your badge is your admission to all the conference events.

8 AM–4 PM

OSHA 10-Hour Training

This class is designed to help employers understand OSH regulatory requirements and ensure employers and employees understand the requirements

necessary in providing an acceptable safety and health program for the workplace. This course will provide a basic overview of the Construction Industry Safety and Health Standards 29 CFR 1926.

8:45–9 AM

Welcome Announcements & Business Session

CRSMCA Convention Chairman will announce CRSMCA's Most Valuable Employees in the Carolinas as well as review membership information discussed at the Board meetings.

9–9:45 AM

NRCA Technical Updates

Presentation by NRCA Technical Services ***1 CEU AVAILABLE**

10–11 AM

Education Session 1: Metal Deck 101

Presentation by Michael Polizzi, A.C.T. Metal Deck Supply
Commercial re-roof projects



often run into the need to replace structural metal deck beneath the roof system. The details may be unknown until the roof is actually torn off and then the job is on hold until this is resolved. Many of these decks are older with obsolete profiles. The course explains how to identify, match, quote and install metal deck. All roofers would agree that an open roof is not the best time for a crash course on metal deck. This presentation provides the tools roofers need... before they need them.

***1 CEU AVAILABLE**

10–11 AM

Education Session 2: Value of Commercial Maintenance

*Presentation by Jennifer Long,
GAF Materials Corporation*

Commercial re-roof projects often run into the need to replace structural metal deck beneath the roof system.

The details may be unknown until the roof is actually torn off and then the job is on hold until this is resolved. Many of these decks are older with obsolete profiles. The course explains how to identify, match, quote and install metal deck. All roofers would agree that an open roof is not the best time for a crash course on metal deck. This presentation provides the tools roofers need... before they need them. ***1 CEU AVAILABLE**



11 AM–6:30 PM

Trade Show Networking

CRSMCA Trade Show is your source of information and contact with over 80 vendors offering products and services to roofing contractors. (Ballroom)

11:30 AM–1 PM

Networking Lunch

Lunch is open to all attendees. Use this time to network with exhibitors and other attendees. (Prefunction area)

1–2 PM

Education Session 1: Metal Deck 101

*Presentation by Michael Polizzi, A.C.T.
Metal Deck Supply*

Commercial re-roof projects often run into the need to replace structural metal deck beneath the roof system. The details may be unknown until the roof is actually torn off and then the job is on hold until this is resolved. Many of these decks are older with obsolete profiles. The course explains how to identify, match, quote and install metal deck. All roofers would agree that an open roof is not the best time for a crash course on metal deck. This presentation provides the tools roofers need... before they need them. ***1 CEU AVAILABLE**

1–2 PM

Education Session 2: Value of Commercial Maintenance

*Presentation by Jennifer Long,
GAF Materials Corporation*

Commercial roof maintenance is a win-win for contactors and their customers! Routine preventative maintenance and repair has industry high profit margins, keeps your crews busy, and provides a platform to build long term relationships with your clients! The property owner can rest assured that one of their largest assets is being managed, small problems don't become huge headaches and their NDL Guarantee is protected. Plus...Exceptional service leads to more re-roofing opportunities!

***1 CEU AVAILABLE**

2–5 PM

Cash Bar Open | Cornhole Tournament

3–4 PM

Exhibitor Demonstrations

Live demonstrations by exhibitors.

4:30 PM

Prizes will be raffled prior to the Networking Reception in the Exhibit Hall/ballroom.

Exhibitor Prizes

Bring your business cards! Don't forget to submit you business cards as you visit with vendors at each booth.

50 | 50 Split-the-Pot

Tickets will be sold during the networking reception on Tuesday, January 14, and during the open trade show hours on Wednesday, January 15. The winning ticket will receive 50% of the money received ! You must be present to win!

5:30–7 PM

Networking Reception (Hyatt Regency Lounge)

THURSDAY, JANUARY 16, 2020

7:30–10 AM

Registration You must stop by the registration desk and pick up your badge. Your badge is your admission to all the conference events.

7:30 AM–12 PM

Exhibitor Dismantle/Move-Out

7:45–8:15 AM

CRSMCA Associate Group/Exhibitors Pre-Selection Meeting

8 AM–12 PM

OSHA 10-Hour Training: Day 2

This class is designed to help employers understand OSH regulatory requirements and ensure employers and employees understand the requirements necessary in providing an acceptable safety and health program for the workplace. This course will provide a basic overview of the Construction Industry Safety and Health Standards 29 CFR 1926.

8:30–9 AM

CRSMCA Associate Membership & Exhibitors Pre-Selection Meeting

Join the meeting to select your booth for the 2021 Carolinas Mid-Winter Roofing Expo that will be held at the Benton Convention Center in Winston-Salem, North Carolina.

Trade Show Exhibitors

Booth 1, 2, 3, 4 Pro-Active Sales & Marketing

Booth 2
BOSS Products manufactures adhesives, sealants, lubricants and related products. BOSS Products was established in Elizabethtown, KY and has been serving the industry since 1970.

Booth 4
Marathon Roofing Products/ MRP Supports will host a line of commercial roof drains, vents, breathers and accessories. Additionally, we will display a full line of self-leveling elevated decking supports including tiles in porcelain, concrete and wood.

Booth 5, 6
Roofing Tools & Equipment, Inc. started in 1949 as Tarheel Hardware. Since then, the company has expanded its inventory to include a complete line of roofing and sheet metal tools and equipment. There are three locations through North Carolina: Wilson, NC; Wilmington, NC; and Raleigh, NC

PAST PRESIDENT
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Booth 7, 28
Premier Building Products, Inc. will display the newest product information from Carlisle SynTec, Hunter Panels, Georgia Pacific DensDeck, Metal-Era, Ludowici, and Bilco. Come meet with our team

and our vendor partners.

SILVER SPONSOR



Booth 8, 9
GAF Materials Corporation is headquartered in NJ and is the world's largest roofing manufacturer. GAF offers a number of solutions for your roofing needs. Primary focus in TPO, PVC, Asphaltic Materials, ISO and Coating Solutions. Please stop by the booth and see all GAF has to offer.

Booth 10, 11, 24, 25
ABC Supply Company, Inc. is the nation's largest distributor of roofing and one of the largest distributors of siding, windows, gutter and other select exterior building products. With over 600 locations in 49 states, ABC Supply has exclusively served professional contractors for over 30 years.

Booth 12, 13, 14, 15
Dunn & Abee, Inc. representatives (Kirk, Gwyn and Justin) are looking forward to seeing our customers and friends at this year's mid-winter show. Take a minute to stop by our booth to see what's new in equipment and safety.

Booth 16
Petersen Aluminum Corporation will be represented by Brandon Jackson, Mike Weis, and Jason O'Connor at this year's expo. Petersen Aluminum Corporation (PAC) is a

full-service Division 7 Metal Manufacturer that specializes in Roof and Wall applications. Thus year, PAC has added more profile options to the growing Metal Wall System Line.

Booth 17, 18
W.R. Walsh & Associates represents market leading manufacturers in the roofing industry. Come by to see the latest offerings from Atlas Roofing, Karnak, Trufast, Continental Materials, Resisto, Babcock-Davis and American Skylights.

Booth 19
Heely-Brown Company

Booth 20
OMG Roofing Products delivers products and services that improve contractor productivity and enhance roofing system performance.

Booth 21
Wade Architectural Systems

GOODWILL SPONSOR



Booth 22
Epilay Synthetic Roofing Underlayment is a product of advanced engineering recommended for sloped roofing. Lightweight, 1 year UV protection, 4-ply construction, walk-able with anti-skid bottom surface. Does not wrinkle, easy installation, bleach or dry out. Class A Fire ASTM E108. FREE SAMPLE ROLLS TO TRY...

Booth 23
Tropical Roofing Products is a trusted national manufacturer of Fluid Applied Roof Restoration Systems and Coatings used in the repair, maintenance and restoration of low-slope systems sold exclusively through Wholesale Distribution partners and preferred by Roofing Contractors, Building Owners, Property Managers, Architects and specifiers.

www.tropicalroofingproducts.com | 800.432.2855 | Wendy Parker, 704.533.2669

Booth 26
AssuredPartners will be represented by Mark Fryer, Cindy Shumpert and Chris Daves. Stop by and visit to find out more about AssuredPartners and our relationship with the Carolinas Roofing & Sheet Metal Contractors - Self-Insurers Fund. AssuredPartners has been the Third-Party Admin for the past 23 years and also writes insurance for a number of CRSMCA members. At AssuredPartners, our focus is on relationships and partnerships with successful regional and local firms who are as fervent as we are about providing clients with unparalleled service.

Booth 27
The Estimating Edge, for over 30 years has been a trusted provider of construction estimating software. Built by a tradesman, for tradesmen, The EDGE Estimator is designed around the user workflow and has many features other solutions do not

have. Reduce your risk and use it to perform a takeoff and create an estimate - all from one software application.

Booth 29

D-Mac Same Day Steel Deck... Need a cure for your RUSTY DECK HEADACHE? D-MAC SAME DAY STEEL DECK will EASE YOUR PAIN with SAME-DAY STEEL roof DECK and accessories from one of our 30 stocking locations including locations in Charlotte, NC; Rocky Mount, NC, and Charleston, SC. Stop by our booth and say "Same Day Steel Deck" and get a free gift!

Booth 30

VELUX America ... the world leader in skylights is pleased to provide you with all your skylight needs. From structural skylights, Dynamic Domes to our residential line. Please stop by our booth to see our showcase of skylight displays.

Booth 31

Living Roofs, Inc. is a design/build team reinvigorating public and residential structures with green roofs and living walls. From those pioneering days forward, our team continues to bring deep expertise to companies and clients who want the social,

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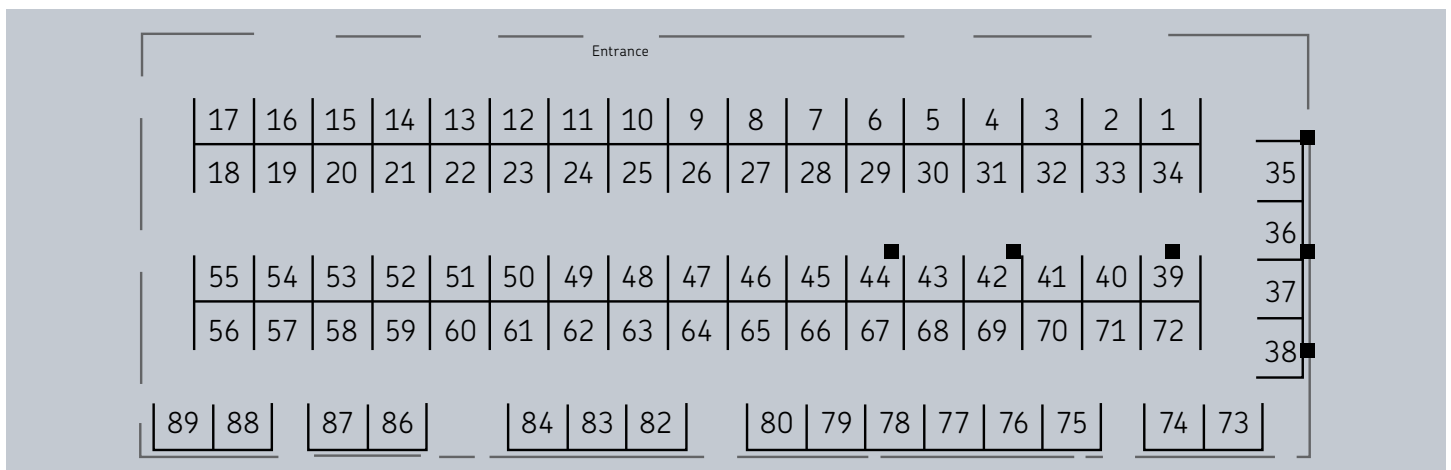
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Booth 41

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Booth 42

Mid-Atlantic Roofing Supply

Booth 43

Louis Williams & Co is a manufacturers representative in the southeast since 1912 exhibiting Bostik High Performance Sealants A-D Adhesives A-D Cedar Synthetic Cedar Roof Shakes.

Booth 44

Versico Roofing Systems

Booth 45

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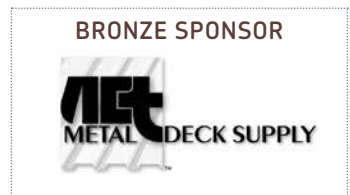
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Booth 57

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Booth 70 S-5!

Booth 71

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Booth 82 Acrylabs

Booth 84

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CRSMCA's 2020 Most Valued Employee Award Nomination Form

This program is designed to honor one outstanding employee from North Carolina and one from South Carolina to be recognized during the Carolinas Mid-Winter Roofing Expo. Each state will select their MVE of the Year. The purpose of the award is to recognize excellence within CRSMCA and allow recipients to serve as role models for other employees, as well as increase professionalism and attract additional employees to the roofing industry. *Only one employee per branch office of a company may be nominated for the MVE of the Year Award.*

Judges will include CRSMCA members. Judges' decisions will be based on evidence of professionalism; uniqueness or significance of a nominee's contribution; and benefit to a nominee's company and co-workers or community.

Award recipients will receive a plaque, free registration to the Carolinas Mid-Winter Roofing Expo, and one-night lodging during the Carolinas Mid-Winter Roofing Expo. Winners will be formally honored and presented the award during the Business Session on Wednesday, January 15, 2020 in Raleigh, North Carolina.

Nominations must be received by the CRSMCA office by DECEMBER 31, 2019. For more information or to obtain additional nomination forms contact Carla Sims at CRSMCA, at cbsims@crsmca.org or call 704-556-1228.

NOMINEE DETAILS

Name of Nominee

Employer

Title/Position with Employer

Submitted By

Company

Describe below or attach your reason for the nomination. Several issues to consider and discuss, if appropriate, are:

- on-the-job performance
- attracting new employees and helping retain existing employees
- contributions to a team effort
- leadership
- community service and volunteerism
- other noteworthy contributions and activities

ARE LIQUIDATED DAMAGES ALWAYS ENFORCEABLE?

Written by Alex Barthelet, Published on September 4, 2019

Anyone regularly reviewing construction contracts will come across those dreaded liquidated damage clauses. They require contractors, and in turn subcontractors, to make significant payments to compensate for late completion of work – \$100-\$500-\$1,000 per day wouldn't be unusual. But are these big dollar payment demands enforceable?

Most of these clauses are written with standard disclaimers. They state that actual damages will be difficult if not impossible to determine if there is a breach. So let's agree in advance to a number, and let's also agree that this is not a penalty. Why is this language incorporated? Simple. The owner and the general contractor want to preempt the potential defenses that could be raised when damages are assessed. However, these attempts to make their liquidated damages stick may not always work.

If the amount "agreed" on by the parties is unconscionable and just too high, a court could reject it as an unreasonable assessment. Also, just saying something is not a penalty isn't necessarily enough. The facts of each case will determine that, and circumstances showing that someone was coerced into agreeing could well negate the assessment of those damages.

As well, liquidated damages can often be defeated if it can be shown that the one being assessed these damages was not the sole cause of the delay. As we all know, in construction, it is not uncommon to have multiple parties contribute to any late completion on a project.

For sure, try to strike or significantly limit the liquidated damage language in any contract you sign. If that doesn't work, all is not lost. Enforcement is never a sure thing and seeking the advice of a board certified construction law expert should be your next step.

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METAL PANELS CREATE HIGH-TECH APPEARANCE FOR ENERGY-POSITIVE SCHOOL



Reprinted with permission from Roofing Magazine September-October 2019 issue

The new Myrtle Beach Middle School in Myrtle Beach, South Carolina, offers a vision of the future, in both its eye-catching design and award-winning performance. The school, like four other new elementary and middle schools opened in less than two years by the Horry County School District (HCSD), is engineered to be net-energy positive. This means the schools were designed to generate more energy than they use over the course of the year.

Designers mirrored that top-tier energy performance in their plans for a dynamic façade, punctuated by sharp corner angles, punched-out window shading and a dramatic entrance canopy. A bold color scheme created by broad expanses of PAC-CLAD Precision Series metal panels emphasizes this strong architectural statement.

"We felt we were creating a state-of-the-art facility. We wanted to create cutting-edge

architecture to emphasize the cutting-edge approach of the school," says Derrick Mozingo, AIA, senior partner and design principal with the hometown firm of Mozingo + Wallace, which designed the floor plans and exteriors of all five new schools in the HCSD system. "You don't go by these buildings without noticing them."

Mozingo's firm was a key member of the design/build team that brought HCSD's five new schools — including two other middle schools, an elementary and intermediate school — online in only 18 months. FirstFloor Energy Positive led the effort, with SFL+A as design professionals of record and Stantec doing interior design and programming work. Panel and roofing installer Spann Roofing also was on board from the start. That company's president, Jimbo Spann, says the fast-track schedule kept his installers on their toes.

"It was a big undertaking. There was a lot of design going on throughout the project," he says. "There were time periods when we were working on several schools at

the same time."

In total, Spann's team installed more than 100,000 square feet of PAC-CLAD 0.40-gauge aluminum HWP panels across all five schools, with colors chosen to highlight each facility's athletic team's colors. According to Mozingo, Petersen's PAC-CLAD product supported both his budget and his aesthetic vision for the schools.

"It created a very affordable skin, and there was no other material out there that would create that look," he says. "It gave us a surface that would weather well and gave us that architectural 'tech' look we were trying to achieve. We went through a number of studies to get what we ended up with."

Mozingo notes he and his team also counted on Spann Roofing's expertise as they went through their studies. "We have had a relationship with Spann Roofing for 30 years," he says. "They worked with us through the design process and were a large component of that process."

For Spann's installers, fa-

miliarity with the product and with Petersen also were big advantages. With its responsibility for the wall panels as well as roofing for all five schools, Spann Roofing depended on the kind of responsiveness to questions and schedule demands they knew Petersen could provide.

"Petersen was very helpful, making site visits and making sure everything was going well and that we didn't have any questions," he notes, adding that the company also was critical in helping Spann keep up with HCSD's aggressive timeline. "That took a lot from Petersen as well, in having the material ready on time. Without the material, we could have been in a world of trouble."

With all five schools open, Spann now has had a little time to reflect on yet another successful project with Petersen and the company's PAC-CLAD panels. "We know Petersen very well," he says. "They're like us — they do high-quality work and take a lot of pride in what they do, and it's a top-of-the-line product."



WHAT IT'S LIKE TO BE A WOMAN WHO RUNS A CONSTRUCTION SITE

Written by Marisa M. Kashino, Published on October 7, 2019

Michelle Cousté, 26, assistant superintendent at Clark Construction, is managing the build-out of Ashburn's Metro station.

"I get here when the crews get in, at 6 a.m. I walk around, check on everything. Then I lead a 7 a.m. meeting with every foreman on the job site. There are almost never women in that mix. It's me talking to all men who are at least ten years older. Sometimes people don't listen, and I've had to pull out a more assertive voice. There's two hard parts about that. One is it's not my natural instinct to yell or be demanding. The other is choosing when to do it, so it's not 'she's a diva' or 'she's a hardass.'

"There was one subcontractor superintendent who used to call me 'honey' and 'doll face' and stuff like that. I'd say, 'Come on, you know my name.' I didn't want to be too adamant because it'd sound like I'm insecure or being difficult. But I found a funny way of making him stop I was early to a meeting. Another subcontractor superintendent was sitting next to me. The guy walks in and he goes, 'How you doing, doll face?' I turned to the guy next to me and said, 'He asked you a question.' The guy said, 'Oh, no—I was asking you.' I said, 'Oh, how was I supposed to know you were asking me?' It kind of embarrassed him, not in front of a lot of people but enough that he took it seriously."

This article appears in the October 2019 issue of Washingtonian. This story is part of Washingtonian's feature "What It's Like to be a Woman in Washington." For more visit here.

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ESCALATION CLAUSES CAN HELP CONTRACTORS MITIGATE PRICE INCREASES

Written by Kim Slowey, Construction Dive | Published on Oct. 11, 2019

Construction material prices are sometimes an unknown when planning a project. Whether related to tariffs, supply chain concerns or a volatile raw materials market, there could be fluctuations that can impact the bottom line for both owners and contractors.

For instance, the price of precast concrete products increased 4.4% from September 2018 to September 2019, the price of cement went up 2.2% and the price of construction equipment and machinery also increased by 2.2%, according to Bureau of Labor Statistics data compiled by Ken Simonson, chief economist of the Associated General Contractors of America.

However, the price for lumber and plywood decreased by 10.1% during that same time period, the price of fabricated structural metal bar joists and rebar fell by 3.1% and the price of prefabricated metal buildings dropped by 4.6%.

In addition, the persistent trade war between the U.S. and China brings in another level of uncertainty that has many in the construction industry wondering how to price out jobs that won't be complete for years into the future.

Some contractors might not realize, though, that there are circumstances under which they can mitigate or even eliminate the pain of significant and unexpected material price increases through the inclusion of escalation clauses in their contracts. In general, if material prices rise higher than what was included in the original bid, the contractor will be reimbursed for all or part of the difference.

SOMEONE HAS TO PAY

Daniel Felsen, attorney and shareholder at the Washington, D.C., law firm of Carlton Fields, said that many public and private owners are willing to negotiate escalation clauses but that these provisions are more likely to come into play on large, private construction projects. "These clauses really deal with how the parties decide to allocate risk," he said. "If material prices jump, some-

one is going to have to pay for it."

Escalation clauses invariably are brought up on larger projects, said attorney Jason Kellogg, partner at the law firm of Levine Kellogg Lehman Schneider + Grossman in Miami, because the stakes are so much higher. For instance, if a project uses a lot of steel, just a small bump in the price can make a huge difference to both contractors' and owners' budgets.

A decade ago, he said, some contractors went out of business when there were simultaneous shortages of both steel and concrete. This drove up prices and left many contractors in the position of having to absorb the difference. "Contractors with escalation clauses made out better," he said.

Contracts for lengthy projects are also more likely to include escalation provisions, said attorney James Carney, also with Carlton Fields, as it is more difficult for contractors to predict how material prices will change over the long term.

3 TYPES OF COMPROMISE

There are three basic types of escalation clauses, Carney said, all representing different levels of compromise between the owner and contractor:

One is called a **"day one" provision**. This type of clause gives contractors the right to capture costs associated with material price increases immediately.

The second sees **contractors compensated after a set period of time**. For instance, the terms of the contract could set out that the contractor cannot recover material cost increases for the first 100 days. This type of clause, Carney said, would be suited for longer projects.

The third type results in a **sharing of the risk**. Under this clause, the contractor would be entitled to reimbursement for higher material prices but only after the rate of increase reaches a certain percentage. Up to that threshold, the contractor would bear the risk. This provision, Carney said, is contemplated under the Federal Acquisition Regulation (FAR) for public works projects as well.

Contingency funds could also be set up to pay for material price increases, Kellogg said, but he typically sees the issue addressed in stand-alone clauses. If the project does have a contingency fund, though, the owner can require the contractor to take material price increases from that pool of money first and then cover additional costs via an escalation clause.

But these provisions can also be a double-edged sword, Kellogg said. Faced with the prospect of having to pay significantly higher costs for materials, the owner could back out of the project.

WHEN THE OWNER DOESN'T BUDGE

However, if the owner will not consider including an escalation clause in its agreement with the general contractor, the bids will likely be inflated to cover potential increases, and this flows through the project hierarchy.

Even when general contractors subcontract most of the work to labor- and material-intensive specialty companies and pass the risk of higher prices down the chain, those subcontractors will likely add premiums to their own proposals. Subcontractors

then most always try to lock in prices with their own material suppliers for as long as they can, passing on the risk yet again.

So, the owner will likely pay at least a portion of material price increases through inflated bids whether it agrees to an escalation clause or not. And if there ends up being no price increase, the owner could end up paying more by not agreeing to an escalation provision.

One way contractors can make the idea of an escalation clause more attractive to owners, Felsen said, is to offer shared savings or some other benefit if material prices go down. Also, these provisions don't have to cover all materials. It's appropriate, he said, to include those that present the greatest cost concerns. "It doesn't have to be one way," he said.

But not all contractors bid on the large projects that typically see the inclusion of escalation clauses. Yet, they still have to bear the cost of material price increases just like any other company. Are these provisions totally out of the question for contractors bidding on smaller projects?

"You don't see it a lot on smaller projects, Kellogg said, "mostly because those contractors don't have the sophistication, wherewithal or leverage to extract that kind of provision out of the owner."

But that doesn't mean they shouldn't have a go at it, he said.

"I think every contractor should try to include an escalation clause in their contracts under the mantra of 'You can't get what you don't ask for,'" Kellogg said. "It's always a good idea to ask."

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Written by Mark Crawford, Published on Sep 25, 2019

From site planning to completion, drones keep construction projects on track.

Drones are becoming essential tools on construction sites. With advanced optical equipment and GPS technologies, drones are redefining how engineers and general contractors design and construct buildings. Drones easily deliver highly accurate photos, measurements, and visuals in real time, assuring quality and streamlining the construction process. On-site managers rely on drone-gathered data to make informed decisions in the field. Drones are also cheaper and faster than traditional surveying methods. Below are seven ways drones can benefit a construction project.

1. SITE PLANNING

After a drone captures aerial images of the property, the photographs are combined with the site plan to create more ac-

curate layouts. “By superimposing the drawing over an image of the actual site, designers and owners can easily visualize where various features will be located,” said Peter Wu, director of QA/QC for Stellar, a construction firm in Jacksonville, FL. “This gives the builder a tangible understanding of the site plan in the context of the land so that they can easily and accurately accommodate for geographic features and other variables.”

2. TRACKING PROGRESS

Progress photos are essential for managing the project and identifying any problems or discrepancies. Cut and fill maps can be instantly generated to plan grading and contouring. Using the data software, multiple datasets can be compared over any time period to check construction progress. Drones can be sent up as frequently as needed on highly precise flight paths to check any areas of special interest. Regular flyovers are a simple and inexpensive way to provide extensive data to share with team leaders.



3. 3D SCANS

Drones can capture photos and video from any height or angle, which is especially valuable for hard-to-reach places. They can also provide photogrammetry scanning of existing structures. “High-resolution photos create a 3D point cloud model, allowing designers to measure everything from the windows on a building to the cars in the parking lot,” said Wu. “This is especially useful for constructing renovations and additions, since it provides an accurate real-world representation of the existing conditions.”

4. VIRTUAL MODELS

“The 3D scans captured by drones can also be converted into models that can be “walked” in virtual reality (VR),” said Wu. “By putting on VR goggles, owners can see what the exterior of the finished product will look like and understand the spatial relationships between the building and building additions from a pedestrian point-of-view.” Accurate construction drawings can also be created from the 3D drone scans.

5. BETTER COLLABORATION

Drones can serve as a central source of collecting data. Records of all flights, uploads, and measurements can be stored and retrieved or distributed to another platform, such as BIM 360. Up-to-date reports and maps can be generated. “Virtual design teams, engineers, superintendents, owners, and contractors can access this data from their iPads and other devices,” said Nico Bonnafoux, a senior architect at 3DR, a drone technology company based in Berkeley, California. “This enables everyone to see where things were yesterday, compare progress over time, and catch any discrepancies before they become serious problems.”

6. IMPROVED SAFETY

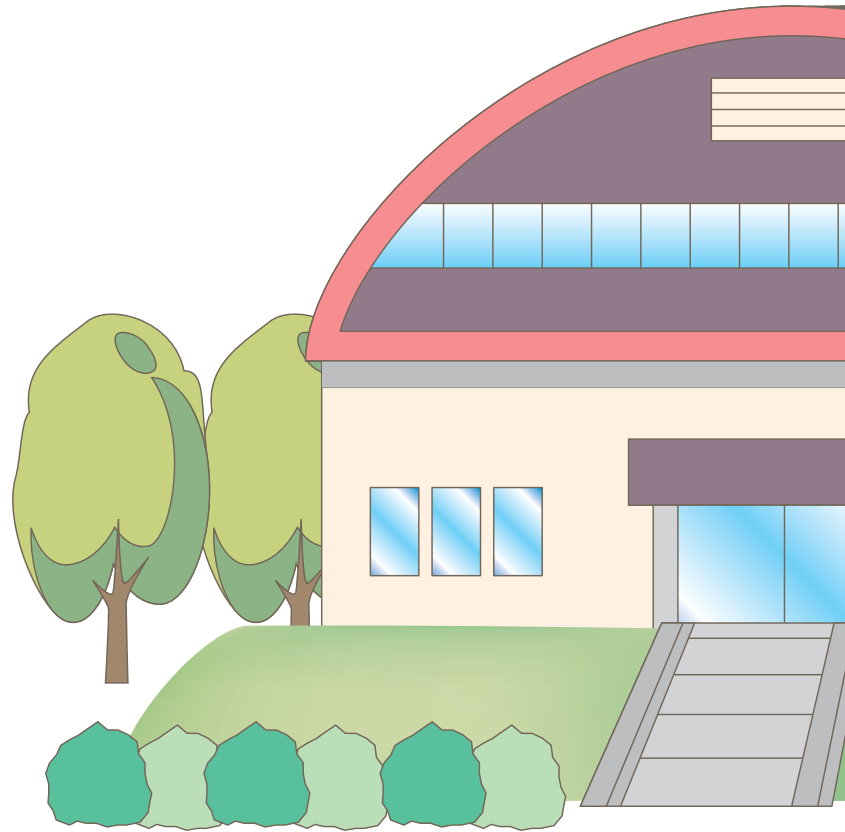
3DR states that the leading cause of private-sector worker fatalities on the construction site is falls, representing nearly 39 percent of all deaths. To counter this, drones can identify potentially hazardous situations and “be used to keep workers’ feet planted firmly on the ground when they might otherwise have to climb to take manual measurements or engage in other activities that can be replaced with a drone,” said Hugh McFall, product marketing manager for 3DR.

7. MITIGATE RISK

Construction is a high-risk business with multiple subcontractors on site, busy schedules, design changes, complex billing, and sometimes contractual or legal challenges. Drones can document every step of the construction process in great detail, which can be important regarding disputes or legal challenges. “For example,” said Bonnafoux, “one of our customers used its drone data to help win a dispute with a subcontractor who was significantly overcharging them. By having accurate daily site documentation, our customer resolved the dispute and saved over \$100,000 without having to go to court.”

Images captured by drones can be truly stunning. Drones are impressive devices that can, quite dramatically, capture beautiful videos and photographs, from virtually any height or angle, close or far. They can reach places that humans cannot, “meaning you can capture a wide range of images of your building,” added Wu. “These can be utilized in marketing collateral, on a company’s website, on social media platforms and beyond. Don’t underestimate the potential of how powerful images can drive your business forward.”

Mark Crawford is a technology writer based in Madison, Wis.



UNSECURED ROOF OPENING LEADS TO DEATH

This Safety Talk discusses the unfortunate death of a roofer, husband and father named Miguel that was the result of a fall through a hole in a roof.

Miguel was on a crew that was installing roofing materials on a new middle school gymnasium. At the time of the incident, corrugated roofing panels had already been secured to the roof deck and the crew was placing insulating strips over the panels on the roof deck.

There was one roof opening, and at the time of this incident it was covered by a 4-foot-wide by 8-foot-long, 1-inch thick sheet plywood. The foreman was working about 25 feet away from the roof opening when Miguel walked over and asked him what was to be done at the plywood area. The foreman replied, "Wait until I finish cutting around this unit and I'll show you, because there is a hole there." Then Miguel walked away in the direction of the plywood, as the foreman continued his task.

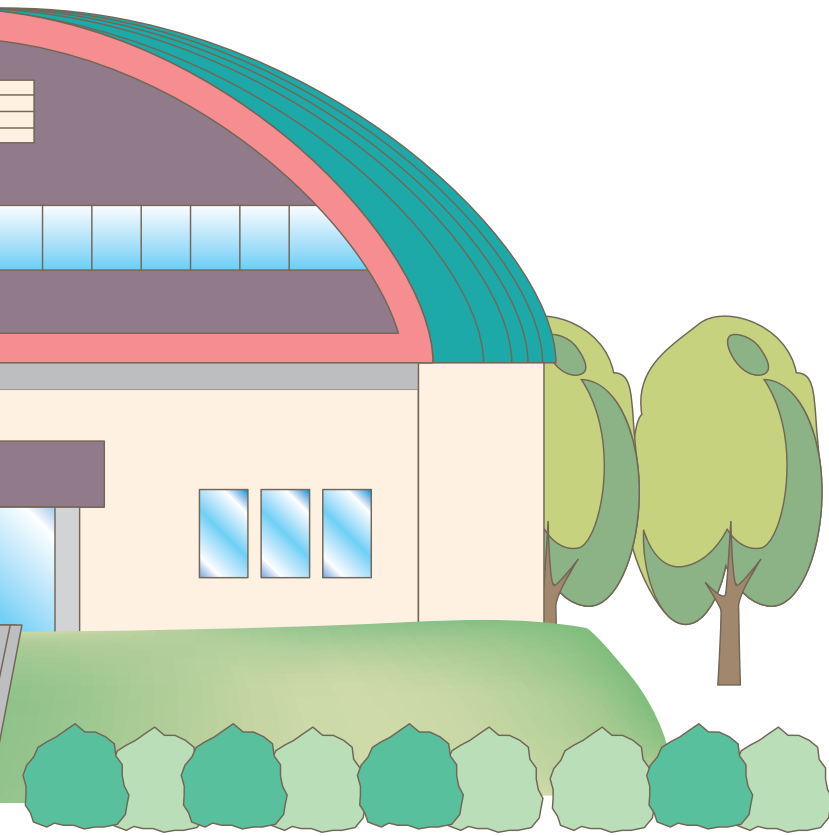
Thirty-seconds later the foreman heard a loud noise and looked around to see that Miguel had fallen through the roof opening. When they got to him, he was conscious, but bleeding from the ears, nose, and mouth. They called 911 and Miguel was

transported to the hospital. But unfortunately, he died several hours later.

Although no one saw Miguel fall, evidence at the site suggested that he had either (1) intentionally removed the plywood from the opening; (2) lost his balance and fell; or (3) unintentionally displaced the plywood and stepped or tripped into the opening.

DISCUSSION

- Although the roof opening was covered with a 4-foot-wide by 8-foot-long piece of 1-inch thick plywood, the plywood was not secured to prevent inadvertent displacement. Since the incident was not witnessed, a determination could not be made as to whether he intentionally or unintentionally moved the plywood.
- Securing the plywood properly would have prevented any unintentional movement. How well do we do at covering roof openings and securing them to prevent them from unintentional movement?
- What other requirements are there for covering roof openings?



CHARLAS

De Seguridad

LA APERTURA SIN TECHO DEL TECHO CONDUCE A LA MUERTE

Esta charla de seguridad analiza la desafortunada muerte de un techador, esposo y padre llamado Miguel, que fue el resultado de una caída a través de un agujero en un techo.

Miguel estaba en un equipo que estaba instalando materiales para techos en un nuevo gimnasio de secundaria. En el momento del incidente, los paneles de techo corrugado ya estaban asegurados a la cubierta del techo y la tripulación estaba colocando tiras aislantes sobre los paneles en la cubierta del techo.

Había una abertura en el techo y, en el momento de este incidente, estaba cubierta por una madera contrachapada de 4 pies de ancho por 8 pies de largo y 1 pulgada de espesor. El capataz estaba trabajando a unos 25 pies de distancia de la abertura del techo cuando Miguel se acercó y le preguntó qué debía hacer en el área de madera contrachapada. El capataz respondió: "Espera hasta que termine de cortar alrededor de esta unidad y te lo mostraré, porque hay un agujero allí". Entonces Miguel se alejó en dirección a la madera contrachapada, mientras el capataz continuaba su tarea.

Treinta segundos después, el capataz escuchó un fuerte ruido y miró a su alrededor para ver que Miguel había caído por la abertura del techo. Cuando llegaron a él, estaba consciente, pero

sangraba por las orejas, la nariz y la boca. Llamaron al 911 y Miguel fue transportado al hospital. Pero desafortunadamente, murió varias horas después.

Aunque nadie vio caer a Miguel, la evidencia en el sitio sugirió que (1) quitó intencionalmente la madera contrachapada de la abertura; (2) perdió el equilibrio y cayó; o (3) desplazó involuntariamente la madera contrachapada y pisó o tropezó en la abertura.

DISCUSIÓN

- Aunque la abertura del techo estaba cubierta con una pieza de madera contrachapada de 1 pulgada de grosor de 4 pies de ancho por 8 pies de largo, la madera contrachapada no estaba asegurada para evitar el desplazamiento inadvertido. Como no se presenció el incidente, no se pudo determinar si movió la madera contrachapada intencionalmente o no.
- Asegurar la madera contrachapada correctamente habría evitado cualquier movimiento involuntario. ¿Qué tan bien hacemos al cubrir las aberturas del techo y asegurarlas para evitar que se muevan involuntariamente?
- ¿Qué otros requisitos hay para cubrir las aberturas del techo?

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