



The Tool Box

Serving the Electrical, HVAC & Plumbing Industries Since 1912

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Will The Real Leader Please Stand?

By Ed Rigsbee, CSP

Today's organizational leaders have much working against their success. Sometimes leaders can be their own worst enemy. However, this is not cause to crawl under a rock and hunker down for the duration of these difficult times. Sure, the press almost daily is exposing yet another dishonest corporate executive, especially in the financial industries, but that's not you. Business enjoyed a good half-decade run, following the 9/11 recovery, and here we are again up to our rear-ends in alligators. Today, more than ever, is the time for action - for demonstrating to your employees that you have a plan - even if you don't. Get out of sluggishness and into action, today!

Make Your Rain Making Visible

Similar to the Native American rain dances of old, they were never performed in isolation, but in view of the tribe; to give the members of the tribe hope - your people need to see you leading the charge in action, not just in words. To build confidence within the people of your organization, they have to visually see your efforts to turn things around, including your personal rain making efforts. This gives them the hope they need to persevere during the current cuts, challenges, and fears caused by today's economic realities.

This lesson was learned at Mitsubishi Motor Sales of North America, in the early 1990s - the executives learned the hard way; wasting one entire year in their efforts to change the organizational culture. The lesson learned was simple: people believe what they see, not what they hear. The executives were telling everyone what they wanted to happen but were not living the vision themselves.

Similarly, a friend's mistake has always stayed with me. He and his investors went bankrupt on a golf course project in the 1970s. Their 20/20 hindsight revealed that their mistake was that of spending their money building the golf course before they built the club house. Potential members could not see the progress from the earth moving in the distance so many decided not to act on the special pre-opening offer; money the group badly needed to finish the project. Most people have to see it to believe.

What's Old Might be New

Robert Rickenbach, owner of a fiber optics connector fabrication company, discovered that the railroad in India could use his connectors in a different application than for which they were originally designed and opened an unexpected international market for his company. What about you? What unexpected, or explored, markets could benefit from your products, services, and other offerings?

In your effort to develop new markets, new applications, and/or new products and services, how much time have you spent? It has been said by persons wiser than I, that most people spend more time planning their vacation than they spend planning their life. What about the success of your organization? How much time have you spent in REAL product/market development strategic planning sessions? For most, not much is the honest answer.

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**SAVE THE
DATE!!!**
**6th ANNUAL
MCASC
WINTER
CONFERENCE &
STATEWIDE
MEETING
THE COOP
COLUMBIA
MARCH 10, 2010**
◆◆◆◆◆◆◆◆◆◆

Mechanical Member:
BEAR MECHANICAL SERVICES, LLC

Bear Mechanical Services, LLC was formed in April 2003, and operates its professional services throughout South Carolina from offices in North Charleston and Columbia, South Carolina. Our team of highly trained and professional technicians ensures our clients HVAC systems operate at maximum efficiency, provide greater comfort, lower cost, and longer life of their equipment. We service the business community in the following areas: Energy Management, Planned Maintenance, Emergency Service (24/7), HVAC Repair, and Replacement. BMS develops and efficiently implements cost-effective and innovative HVAC services for the commercial, industrial, institutional, and health care markets.

Long term relationships with our clients are of the utmost importance, as is a corporate attitude that fosters integrity, a commitment to performance and quality, and a strong desire to be the best in our field.

BMS is owned by Fred Gibbs, who has over 30 years of construction and service experience. Fred is the qualifier for the BMS Unlimited Mechanical Contractors License, Unlimited General Contractors License, and is licensed as a Master Plumber in South Carolina and Georgia.

At BMS our goal is simple: DO WHAT YOU SAY YOU ARE GOING TO DO, AND DO IT RIGHT THE FIRST TIME.

Bear Mechanical Services, LLC

**3044 North Main Street
Columbia, SC 29201-1742**

4717 Holbird Drive
Charleston, SC 29405-9939

Phone: (803) 252-9226 Fax: (803) 252-9939 Phone: (843) 747-8100 Fax: (843) 747-0003

JANUARY BIRTHDAYS

Alice Gatch	1/3	Gatch Electrical Contractors, Inc.	Wife of Jimmy
Rudy Cullum	1/5	Cullum Mechanical Construction, Inc.	
Ute Holcombe	1/6	Summerville Mechanical, Inc.	Wife of Carlton
Steve Brewer	1/7	Easley Mechanical	
Susi McWilliams	1/12	Columbia Cooling & Heating Co., Inc.	Wife of Robert
Frank Wilson	1/12	City of Spartanburg/Inspections	
Sharon Bailey	1/13	C. R. Hipp Construction, Inc.	Wife of Pete
Mary Pat Minor	1/13	G-M Mechanical Corporation	Wife of John
Paul Prevatte	1/17	North Strand Mechanical, Inc.	
Kevin Wood	1/17	Endeavor Insurance Services, Inc.	
George "Dan" Raines	1/18	Energy Pro Of SC, LLC	
Wyman Sox	1/20	Honorary Life Member	
Brett Burkett	1/21	Burkett Systems	Son of Tommy
Bob Jacques	1/21	Hajoca Corp.	
Kathy Kirkland	1/21	W. N. Kirkland, Inc.	Wife of Mike
Roger Griggs	1/21	Roger's Computers Service, Inc.	
Terri Harley	1/23	Metro Electric Company, Inc.	Wife of Randy
Scott Arledge	1/28	Smith & Stevenson, Inc.	
Bill Self	1/30	Self's Heating & Air Conditioning, Inc.	
Dan Brailsford	1/30	Robinson McFadden	MCASC Legal Counsel

*Happy Birthday Members! We Would Like To Announce Yours.
Please call the Birthday Hotline at 803-772-7834 or Email to mflowers@mcasc.com*

“Tool Box Talks” - Safety Tip**FIRST DAY ON THE JOB**

Whether you've been in the business for many years or you're a new employee, there's always a “First Day on the Job”; a new project for you old timers, which may or may not be different from your last job, and for some of you, a brand new job.

Your safety on any job is important, so let's discuss the types of personal protective equipment you need to use. Hard hats are designed to protect your head, and statistics prove that they prevent most serious head injuries - WEAR YOURS! Eye protection is required when there is any possibility of an eye injury - safety glasses, mono goggles and cutting goggles will protect your eyes but they must be WORN, not carried in your pocket. Other types of protective equipment include hearing protection, respirators, harnesses, lifelines, and proper work clothes. All of these are important to your safety and should be used as required.

Good housekeeping is a must! Make sure you keep your work area picked up and dispose of trash as needed. Keep aisles and walkways clear of obstructions. Always inspect your electrical and hand tools prior to use. If you find anything wrong or damaged, let your supervisor know and tag the tool “NEEDS REPAIR - DO NOT USE”. When you are required to use a ladder check it out - inspect it for any damage - make sure it's the right size for the job - and never stand on the top two rungs or steps. If you're using a metal ladder keep a sharp eye out for overhead power lines - coming in contact with them can be deadly!

You have a right to know what hazardous materials are in use on the job. Copies of material safety data sheets are available and should be reviewed if you have any question about the handling or protective gear necessary when using any hazardous material. Always read the label on containers so you know what you're using.

The bottom line is that your safety is a top priority, whether you're an old timer or new on the job. Think “SAFETY FIRST”, wear protective gear as required, use common sense and good judgement, and check with your supervisor if you have any questions or concerns.

**EVERY TOOL HAS A PLACE - RETURN IT WHEN YOU'RE THROUGH.
IF IT'S DAMAGED, TAG IT AND TAKE IT OUT OF SERVICE.**

**RSS Safety, LLC
1122 Industrial Drive, Suite 113
Matthews, NC 28105
Telephone (704) 844-2519 Fax (704) 844-0291**

Birth Announcement

**Matthew Heyden Linden, Jr.
Born December 11, 2009 7:32 AM, 9 lbs 7 oz, 21 3/4 ins
Proud Parents: Matthew & Abby Linden
Proud Grandparents: Albert & Karen Linden
Central Controls, Inc., Columbia**

Welcome New Members

**Bryan Fox - H & E Equipment Services
Columbia
Skeeter Jutzeler - Shealy Electrical Wholesalers, Inc.
Ladson**

Condolences

**Mr. & Mrs. Alan Tingler & Family
Smith & Stevenson, Inc., Charlotte
On the loss of his mother
Emily Tingler**

**Mr. & Mrs. Harry King & Family
James M. Pleasants, Inc., Greenville
On the loss of their son
Warren Nickerson King, III**

Happy Anniversary

**Mr. & Mrs. Frank Hill - 1/14
Mr. & Mrs. Henry Poplin - 1/25**

Concerns

**Lewis Caswell - W. O. Blackstone, Columbia
Charley Hipp - Hipp Properties, Charleston
Rhett Leake - James M. Pleasants Co., Charlotte
Richard Miller, Sr. - City Plumbing Co., Florence
Bill Self - Self's Heating & A/C, Camden
Stella Shuler - Wife of Bo Shuler, W. Columbia**

(Continued from page 1)

Who can help? The quick answer is: your suppliers, your employees, and your customers. Sometimes innovation is a happy accident and sometimes it is the result of intense organizational processes, individual champions, and intellectual properties - and most times, a result of tireless hard work. What are you doing to innovate?

Back in the mid-1990s I served as a trainer for the Dunn & Bradstreet Foundation, delivering full-day public seminars throughout the USA. One of the exercises I conducted when doing a seminar within a company required an unorthodox approach to problem solving. Interestingly, it was never the organization's leader that came up with the solution but rather others generally in administrative or support positions. Proof for me that leaders need to encompass all in their organization for solutions to today's pressing challenges.

Your Responsibility and Accountability

Let's face it; nobody really enjoys the mirror being brought up close. However, in times like we are now facing, that is exactly what is needed. No matter how good a leader you might be, you know that you can do better. And, if you are a lousy leader, you are unlikely to be reading this article. Listed below are some of the pitfalls, conscious or unconscious, to leading in a recession:

- Not being aware of the depth of your organization's situation.
- Not having a "rainy day" contingency plan.
- Not being open to innovation in market, product, and process.
- Not honestly looking in the mirror.
- Living off past glory.
- Expecting others to act as rain makers.
- Hunkering down expecting the current economic situation to quickly blow over like a tropical storm.

Your "to do" list should include the following:

- Honest evaluation of your organizations current situation through the traditional SWOT (strengths, weaknesses, opportunities, and threats) analysis process with your company's stakeholders; first your employees, then with your suppliers, and last with your customers. Oh yes, and LISTEN! Generally the SWOT analysis is done only in the bubble of the executive suite, thereby missing needed additional perspectives.
- Step it up and lead the charge, even if it is only activity for activity's sake. Activity begets enthusiasm, if positioned correctly and your employees see that you are putting in the time.
- Look to other industries for answers in as much as you can adapt ideas. It is foolish to think you can adopt, however adaptation is an important form of innovation that will serve you well.

If your organization is zipping along, perhaps you have already conducted the steps necessary to thrive? Perhaps this article is merely an affirmation that you are on the right track? However, if your company is struggling - it might mean that your leaders, or you, have been asleep at the wheel. The good news is that there might be enough time to turn things around and put your company back on the productive path. *Plant this thought in your subconscious mind: your employees have been there for you, helping you to make your organization what it had been. Don't you think you owe it to them to show up and rebuild? It's their livelihood also!*

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Ed Rigsbee says what many people are thinking but afraid to say. He is the author of several hundred articles and a number of books on business topics. Ed travels internationally to share his business growth expertise through consulting, training, and keynote presentations. He has been an adjunct professor for two California universities, yet he prides himself, a practical business thought leader. Additionally, Ed's avocation is serving as CEO & Executive Director for a non-profit public charity. You may contact Ed through <http://www.Rigsbee.com>.

A Thought Worth Pondering

Businessmen go down with their business because they like the old way so well
they cannot bring themselves to change.

Henry Ford

GREEN BUILDING DESIGN PROVIDES TAX INCENTIVES FOR CONTRACTORS

Congress has passed legislation to encourage property owners to build energy efficient real estate properties to promote reduction in energy consumption. The Emergency Economic Stabilization Act of 2008 extends these benefits through December 31, 2013, which means the deduction can be claimed for buildings placed in service from January 1, 2006 through December 31, 2013. The benefits are up to \$1.80 per square foot tax deduction for commercial property owners, architects, contractors, residential homeowners and site home builders.

Generally, the owner of a building is the taxpayer that qualifies for the energy efficiency tax deduction under §179D. However, when public buildings are built for governmental entities, the deduction is available to the "designer" of the energy efficient system. A designer may include, for example, an architect, engineer, contractor, consultant, or other energy services provider. The designer is the provider that creates the technical specifications for a new building or an addition to an existing building that incorporates energy-efficient commercial building property.

To qualify, the total annual energy and power costs related to interior lighting, HVAC and building envelope systems of the structure must be reduced by at least 16 2/3 percent when compared to the baseline standard established by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 90.1-2001. Partial deductions are available for individual building systems. A deduction of up to \$.60 per square foot is available for each of these building systems. If the standards are fully met for all three systems, then the maximum \$1.80 per square foot deduction is available. Since the majority of states' standard building codes are based on the subsequently developed ASHRAE 90.1-2004 or later iterations, virtually all buildings in these states will qualify for some or all of the deduction, even if built to only the minimum standards.

In order to claim the deduction, the taxpayer must obtain a certification required by the IRS that must be attached to their tax return with respect to the property. The certification requirements include:

1. The party certifying the qualified property cannot be related to the taxpayer claiming the deduction.
2. The party certifying must represent to the taxpayer in writing that they are qualified to certify.
3. Certification provided by properly licensed professional engineer or contractor.
4. The certifier must use IRS-qualified computer software.

The deduction must be claimed for the year the qualifying property was placed into service.

Please contact Travis Bogan or Jeff Greenway at Elliott Davis, LLC (877-340-6802) for additional information regarding energy efficiency tax incentives.

Save These Dates For Upcoming Events!!!

1st Annual Midlands Area Nine at Night Scholarship Benefit

Thursday, March 4, 2010
Charwood Country Club
West Columbia, SC

6th Annual MCASC Winter Conference & Statewide Meeting

Wednesday, March 10, 2010
The Coop, 1100 Key Road
Columbia, SC

4th Annual Piedmont Area Clays for College

Friday, April 23, 2010
Harris Springs Sportsman's Preserve
Waterloo, SC

Coastal Area Harbor Cruise

Friday, April 30, 2010
Patriot's Point
Mt. Pleasant, SC

22nd Annual George W. Bryce, Jr. Memorial Golf Tournament

Friday, May 7, 2010
Oakdale Country Club
Florence, SC

2nd Annual Coastal Area Scholarship Fishing Tournament

May 2010
TBA

19th Annual MCASC Santee Scholarship Tournament

June 11-13, 2010
Quality Inn & Suites
Santee, SC

MCASC Summer Convention

August 5-8, 2010
The Ritz-Carlton Amelia Island
Amelia Island, Florida

Fairness in Purchasing: the ConsensusDocs 702 Purchase Order

By Dan Brailsford, MCASC Attorney

A couple of years ago, a new family of construction form contracts - the ConsensusDocs - was introduced to the construction industry. The new contract documents were much talked about. I represented the specialty contracting industry on a panel of speakers which conducted a statewide program of introductory seminars. The ConsensusDocs received favorable reviews by industry leaders and lawyers representing the various segments of the construction industry. The documents include viable alternatives to the traditional standard forms, including those sponsored by the American Institute of Architects (AIA). They also include some innovative forms, generally reflecting a more collaborative approach to the construction process. One component of the ConsensusDocs family of documents which has been largely overlooked is the standard form purchase order, ConsensusDocs 702.

The mechanical contracting industry has long been in need of such a document. Proprietary purchase orders are invariably harsh and one-sided, particularly with regard to the disclaimer, or renunciation, of UCC (Uniform Commercial Code) warranties.

The UCC provides for both expressed and implied warranties. The implied warranty of merchantability says that the materials are fit for the ordinary purposes for which they are used and are of commonly acceptable quality. The implied warranty of fitness applies when the seller knows the purpose for which the materials are being purchased and assists the customer in selecting the appropriate materials. Expressed warranties are created by promises made by the seller, including a description or model, that are relied upon by the buyer.

In the event of a breach of warranty, the purchaser can recover any damages that were reasonably foreseeable at the time of the sale.

Proprietary form purchase orders, however, almost uniformly disclaim, or renounce, such UCC warranties, and severely limit the buyer's recovery in the event of a breach.

Article 15 of ConsensusDocs 702, "WARRANTY", rather than renouncing UCC warranties, generally affirms them. This article includes an expressed warranty that the materials conform to any drawings, specifications, etc., attached to the purchase order. Article 7 allows for the attachment and incorporation into the purchase order, not only of the drawings and specifications, but of the general provisions of the contract for which the materials are being purchased, including submittal requirements.

Respecting implied warranties, Article 15 essentially provides the UCC warranty of merchantability (acceptable quality). It does not clearly address the implied warranty of fitness, but such a warranty is not disclaimed either, so it would apply if the purchaser could prove reliance upon the seller's advice.

In addition to recognizing the standards of the UCC respecting warranties, the 702 includes other important provisions that strike a fair balance between the interests of the seller and the purchaser. Examples of these are as follows:

4. **ACCEPTANCE OF CONTRACT.** No acceptance or confirmation of the purchase order may impose additional terms, unless those terms are specifically agreed to in writing by the buyer.

5. **EXTENT OF AGREEMENT.** This confirms among other things that the contract documents, if they are attached, are incorporated into the purchase order.

8. **SUBMITTALS.** This confirms that the seller will comply with any requirements regarding submittals "consistent with the Progress Schedule".

9. **SCHEDULE.** Provides that such a progress schedule will be developed through collaboration between seller and buyer.

10. **SHIPPING.** Risk of loss is on the seller until delivery, unless otherwise agreed to in writing.

12. **INSPECTION.** Provides detailed procedures for timely inspection of the materials by the buyer, and notice requirements and remedies for nonconformance.

14. **TERMINATION.** Allows termination for the convenience of the buyer, with reasonable compensation to the seller.

19. **INDEMNITY.** Seller indemnifies buyer from liabilities arising out of defective materials or workmanship of the materials furnished.

In summary, the ConsensusDocs 702 generally restores the fairness and balance which is reflected in the provisions of the Uniform Commercial Code, while providing for considerable flexibility through the use of written exceptions or addenda. I submit that the use of the ConsensusDocs 702 should be promoted and encouraged by the mechanical contracting industry.

**Associate Member:
AGGREKO, LLC**

Aggreko is proud to be a member of the Mechanical Contractors Association of South Carolina. For over four decades, Aggreko has provided rental energy solutions that go above and beyond industry standards. Aggreko's experience in creating superior solutions for mechanical contractors combined with the rapid response of our highly skilled people ensures your project is done faster, more productively, and stays right on target. All of which translates into helping you to serve your customers better, so they are always satisfied.

With over 50 locations nationwide, Aggreko's service center located in Lexington, SC is backed by a network of equipment and service to deliver what you need, when you need it. We work with you to diagnose problems to deal effectively with unplanned events that may impact the outcome, productivity and schedule of your project. Our wide range of proven solutions for planned outages and emergency needs helps make sure your project keeps running smoothly – and profitably.

Local rental services for mechanical contractors include:

- Supplemental chillers during scheduled or emergency repair or replacement of the permanent unit
- Air conditioners to provide HVAC service for temporary or permanent workplaces
- Moisture, flame and fume-free heaters for safe operation
- Contingency planning to avoid or minimize loss during emergencies
- Modular cooling towers to provide supplemental cooling for planned turnarounds and shutdowns and emergency cooling during tower failures.

When the delivery of a chiller or air conditioning unit is delayed, or maintenance shutdowns push your schedule to the limit, Aggreko is there fast. We are available 24 hours a day with equipment and expertise to keep your project moving forward.

Aggreko, LLC
121 Vera Rd., Lexington, SC 29072
Stuart Waugh, Sales: 803-312-4126; Porter Angel, Operations: 803-354-1898
Phone: (800) AGGREKO or (800) 244-7356
www.aggreko.com/northamerica

**Congratulations to our next Associate & Mechanical Members who will be
highlighted in the upcoming issue of "The Tool Box":
BB&T/Boyle-Vaughan Insurance, Columbia - Associate Member
C. J. Compton Plumbing & Heating, Inc., Spartanburg - Mechanical Member**

JANUARY 2010 MONTHLY AREA MEETINGS**MIDLANDS AREA**

Thursday, January 7, 2010 @ 6:00 PM
Location: MCASC State Office, 1504 Morninghill Dr., Columbia
Sponsored By: Central Controls, Inc.

Topic: "Virtual Job Shadowing Programs"
Speakers: Ann Brown & Jordy Johnson
Microburst Learning

PIEDMONT AREA

Tuesday, January 12, 2010 @ 6:00 PM
Location: 2048 Gibbs Shoals Road, Greer
Sponsored By: Hayes & Lunsford Electrical Contractors

Topic: "Virtual Job Shadowing Programs"
Speakers: Ann Brown & Jordy Johnson
Microburst Learning

PEE DEE AREA

Thursday, January 21, 2010 @ 6:30 PM
Location: 933 Santiago Drive, Florence
Sponsored By: City Plumbing Company of Florence

Topic: "Grow Your Own Workforce"
Speaker: Michelle Marcus
Apprenticeship Consultant
Apprenticeship Carolina

COASTAL AREA

Tuesday, January 26, 2010 @ 6:00
Location: 4981 Dorchester Road, N. Charleston
Sponsored By: C. R. Hipp Construction, Inc.

Topic: "City of North Charleston"
Speaker: Keith Summey
Mayor
City of North Charleston



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www.mcasc.com

***Serving mechanical contractors in
South Carolina since 1912.***

MCASC Executive Board & Staff

Richard Miller, Jr., President
Jim Brewer, Vice-President
Dennis Brunink, Treasurer
Chris Cullum, Secretary
Jim Maguire, Associate President
Mona Flowers, Managing Director

Mechanicals make it happen -
Be part of the best!

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MCASC Vision Statement

The Mechanical Contractors Association of South Carolina (MCASC) will be the leading construction association in South Carolina for specialty contractors and suppliers in the electrical, mechanical (HVAC), and plumbing fields by serving its membership, the industry, and the Community in a vibrant and harmonious fashion.

MCASC Mission Statement

The Mechanical Contractors Association of South Carolina (MCASC) will provide its membership with:

- current business/technical information and support
- a proactive political/legislative agenda
- a joint industry collaboration to improve relative business practices
- an ongoing effort to offer training opportunities for both professional and craft personnel
- educational scholarships for deserving students
- the development of industry related career opportunities

The Association's objective for this mission is to enhance the future of the Construction Industry in South Carolina.