

Cumulative Changes By Tom Frisby, The Frisby Group

A single change to a construction contract may affect the critical path or the work flow of a project. However, in many instances, multiple changes may be issued on a project, none of which alone would affect the critical path or the completion date of the project. However, when taken together, the *cumulative effect* of the changes may have a significant effect on productivity and/or schedule. Okay, better get your construction attorney on this one as the concept of *cumulative changes* can be esoteric.

Your construction attorney will tell you that the cumulative effect of changes is defined as the “*synergistic effect of an undifferentiated group of changes*”. What the heck does that mean? Obviously, the determination of whether a number of changes (multiplicity of changes) can give rise to a claim by the contractor is very fact and schedule driven. Just because there may be a number of changes to a project does not give rise within itself to a claim of “multiplicity” or “cumulative impact”. The contractor has a duty to demonstrate through field documentation that its productivity was adversely affected, and/or that the critical path of the project was necessarily impacted due to the cumulative effect of a number of changes. And somewhere along the line, the contractor needs to be wise to the effect of the changes and provide notice to the owner of the impact and its intent to ask for compensation due to them.

Simply, the burden is on the contractor to show that character of the work and the work flow by which the work was to be performed as changed due to the number of changes that have been issued. As always, the contractor must prove causal relationship between those changes and the impact to it. The construction schedule is the first tool one might use for this purpose. It should show a given work flow (that is, movement of crews through the project in some synergistic manner) and then in updates, how that work flow was altered due to the changes being issued (that is, instead of going from floor 1 to floor 5 in a systematic manner, the contractor is being forced to jump around from floor to floor, out of sequence, and not being able to complete any activity as planned.)

And the second tool that will be effective is the use of some form of earned value or measured mile, showing the hours or cost per unit before and after the issuance of the changes. Backed up by daily records, meeting minutes and correspondence by the contractor notifying the owner of the events and impact of them that are affecting the progress and productivity of the work. There are other methods of pricing and the use of various studies by NECA and MCAA are helpful. Field records are the best, however.

The concept of multiplicity of changes is akin to the cardinal change rule (by cardinal rule is a change which is not just in furtherance of design but which basically changes the character of the work to be performed – an extreme example might be changing from a concrete to a steel structure). That is, the impact to the work flow of the project was basically not foreseeable and could not have been contemplated by the contract documents.

(Continued on page 4)

INSIDE THIS ISSUE:

Cayce Company, Inc.	
Mechanical Member Article	2
October Birthdays	2
Safety Tip	3
Welcome New Members	3
Anniversaries	3
Birth Announcement	3
Condolences	3
Upcoming Events	3
Page 1 Article Continued	4
Leadership's Underside	
By Ann Elliott	4
Thx Pee Dee Blast	
Sponsors & Winners	5
2015 Training Course	
Registration Form	6
Pee Dee Blast Winners Pictures	6
The Chapman Company	
Associate Member Article	7
Area Meeting Calendar	7
Vision/Mission Statement	



There are no
secrets to
success.

It is the result
of preparation,
hard work,
and learning
from failure.

Colin Powell



Mechanical Member: CAYCE COMPANY, INC.

The roots of Cayce Company go back to 1948 when the Moore-Fonvielle Corporation of Wilmington opened a branch in Florence to install residential and small commercial heating and air conditioning systems. Eight years later, three Florence employees including Frank W. Cayce, purchased the branch and began to expand operations. Cayce Company began operating as a full service Mechanical Contractor and was incorporated in 1956. Since that date, Cayce Company has actively participated in the welcomed expansion of institutional, commercial and industrial construction in the southeast.

Cayce Company currently holds unlimited licensees in South Carolina, North Carolina, Virginia, Tennessee, Florida, Maryland, Alabama and Georgia. Cayce Company offers Air Conditioning, Plumbing, Process Piping, Electrical and Sheetmetal. The Company has completed installations in hospitals, shopping centers, high-rise commercial buildings, apartments and a large number of manufacturing facilities. We offer 24 hr / 7day a week service in all departments.

The corporate headquarters is located in Florence with branches in Myrtle Beach and Columbia. Each location has a complete service department specializing in total maintenance and service of all mechanical and electrical needs. Our computerized sheet metal fabrication shop in Florence has the capabilities to fabricate and install anything from galvanized ductwork to specialty stainless steel items.

As one of the founding members of the MCASC, Cayce Company is proud to be a member of the MCASC.

Cayce Company, Inc.
P.O. Drawer 3639 (29502)
2710 South Irby Street, Florence, SC (29505)
Phone (843) 669-1816 Fax (843) 665-7622
www.caycecompany.com

OCTOBER BIRTHDAYS

Eve Brewer	10/1	Easley Mechanical Services, Inc.	Wife of Jim
Bert King	10/3	Honorary Life Member	
Kelly Miller	10/3	Miller HVAC Service	Wife of Bob
Jason Shaluly	10/3	RepSouth	
Ophelia Brewer	10/5	Easley Mechanical Services, Inc.	Wife of Steve
Joyce Ann Kirkland	10/5	W. N. Kirkland, Inc.	Wife of Gary
Terry Walkup	10/5	Walkup Electrical Construction, LLC	Wife of Tommy
Mark Condon	10/11	Ferguson Enterprises, Inc.	
Nick Miller	10/13	Shealy & Sons Electric Company, Inc.	
Gail Waldrop	10/14	Honorary Life Member	Wife of Benny
Frank Hill	10/22	Hill Plumbing & Electric Company, Inc.	
Henry Poplin	10/23	B & L Electric Company	
Beth Wilson	10/24	Control Management, Inc.	Wife of Phil
Randy Harley	10/26	Metro Electric Company, Inc.	
Bill Kirkland	10/26	Bill Kirkland Heating & A/C, Inc.	
Jimmy Gatch	10/27	Gatch Electrical Contractors, Inc.	
Jeannie Duke	10/28	Honorary Life Member	Wife of Bob
Jane Brailsford	10/30	Honorary Life Member	Wife of Dan
Terry Smith	10/30	RepSouth	Wife of Bob
Susanne Dwight	10/31	Carolina Filters	Wife of Coles

Happy Birthday Members!
We Would Like To Announce Yours. If you would like to be listed,
please call the Birthday Hotline at 803-772-7834 or Email to mflowers@mcasc.com

“Tool Box Talks” - Safety Tip
CASES OF TEMPORARY WORKERS NOT PROPERLY TRAINED

Dyson Corp. cited after 23-year-old machine operator loses part of finger

In the wake of an incident in which an employee lost part of his finger, OSHA found that Dyson Corp. of Painesville, Ohio, failed to train workers on safety procedures, including how to install [machine guards](#) on belts, pulleys and presses. The employee had been on the job for only three weeks when his finger became caught in a machine. The company was cited for eight willful, repeated and serious violations, totaling \$170,170 in proposed penalties, and was placed in OSHA's [Severe Violator Enforcement Program](#). "Since this incident occurred, the company has reached out to OSHA and is working to make significant changes in their safety and health management system," said Howard Eberts, OSHA's area director in Cleveland. For more information, see the [news release](#).

Atlanta air filter company fined nearly \$120K for exposing temp workers to serious safety hazards

American Air Filter Co. continues to expose temporary workers to amputation hazards, according to results of a recent OSHA investigation. The Atlanta-based air filter manufacturer was most recently cited for five repeated, serious and other-than-serious violations for failing to provide proper [machine guarding](#) and not following procedures to prevent machines from [starting up unexpectedly](#) during maintenance and servicing. The company employs temporary workers from two staffing agencies, which were not cited. "This company needs to address all workplace hazards, not just the ones for which penalties have been proposed," said Bill Fulcher, director of OSHA's Atlanta-East Area Office. OSHA proposed penalties of \$119,900 and placed the company in the [Severe Violator Enforcement Program](#). Read the [news brief](#) for more information.

PinPoint Safety, LLC - Mel Rosas
12216 Pinegate Court, Pineville, NC 28134-9139
Telephone (704) 277-5673 Fax (704) 900-8241

Condolences

Mr. & Mrs. Dennis Anonie
Bear Mechanical, Inc.
On the loss of his mother
Carolyn C. Anonie

Welcome New Members

Midlands Area: Carter Schaaf
Eastern Industrial Supplies, Columbia, SC
Wesley Grose
Hajoca Corporation, Columbia, SC

Coastal Area: Bob Jenkins
Dillon Supply Company, Charleston, SC

Upcoming Events

Winter Conference & Statewide Meeting

Wednesday, March 16, 2016
The Phillips Market Center
State Farmers Market
West Columbia

7th Annual Midlands Area Nine at Night

Thursday, April 7, 2016
Charwood Country Club
West Columbia, SC

9th Annual Piedmont Area Clays for College

Friday, April 29, 2016
The Clinton House Plantation
Clinton, SC

The Charleston Slam

7th Annual Inshore Fishing Tournament

Captain's Meeting - May 20, 2016
Tournament - May 21, 2016

Anniversaries

Mr. & Mrs. Bill Campbell - 10/14
Mr. & Mrs. Pete Bailey - 10/19
Mr. & Mrs. Gary Kirkland - 10/19
Mr. & Mrs. Jim Maguire - 10/23
Mr. & Mrs. Mike Richardson - 10/25
Mr. & Mrs. Bob Miller - 10/27
Mr. & Mrs. Duwayne Jacobs - 10/28
Mr. & Mrs. Edward Gibbs - 10/29

Birth Announcement

Oaklyn McCray Jacques
Born September 16, 2015, 8.5 lbs., 21 inches
Proud parents: Weber & Megan Jacques
Proud Grandparents: Bob & Tami Jacques
Hajoca Corporation, Taylors

(Continued from page 1)

When there is a multiplicity of changes, often the general contractor will no longer effectively update its schedule and just direct the craft contractors to go wherever work is available to be performed. We call this “scheduling by finger pointing” – go here, go there, go where you can find some work. When the general contractor fails to perform its basic planning and scheduling functions, this might be considered an abandonment or breach of contract. Again, talk to a good construction attorney. And remember, the construction attorney does not create documentation, but makes judgments off the documentation provided by the contractor. These claims hold the contractor to a high level of demonstrating cause and effect through its schedules and field documentation – the bar is very high. By the time a contractor goes to the attorney, if this documentation does not exist, it is a tad late.

These are not slam dunk issues. And you might direct your attorney to volume 31, Number 4, Fall 2011 Issue of the Construction Lawyer for a quick scan of some examples of successful and unsuccessful multiplicity changes claims.

www.frisbygroup.org tffrizzle@gmail.com) and my website (www.frisbyconstructionconsultants.com)

Leadership's Underside

By Ann Elliott, The Berkana Company

Carrying the mantle of leader may look glamorous. It is hard work. Much of what a real leader does is hidden.

Another thing about leaders - they exist at all levels in an organization. Not all leaders have prestigious titles. All of them are not at the top of an organization.

Here are 6 characteristics of leaders:

Self-awareness. There is no mistaking your weak points and your strong points. Don't forget the blind spots that we all have, too.

Self-mastery. The ability to practice self-discipline. Honor your word. It is your bond. Leadership is built on trust. You can rely on leaders to be accountable to themselves and others.

Understanding change is the key to growth. To keep the status quo stymies not only personal but professional development. Change for the sake of change to chase the next shiny object does not count.

Willing to do things differently. Even in the face of long standing traditions that once served a purpose, embrace a new way of behaving, thinking and doing.

Courage. It takes bravery to release old beliefs. This is especially true when these beliefs are held strongly by people you love and respect. It may feel disloyal to adopt new beliefs that are counter to previously held ones.

Wisdom. It's true in cards as well as leading, "...know when to hold 'em. Know when to fold 'em." Some ideas are ahead of their time. Some ideas are past their expiration date.

There is no one right way to lead. Behavior, not fancy words, and results, not lofty ideas, are key indicators of leadership. Where are the leaders in your business?

© 2015 Ann Elliott All Right Reserved

Ann Elliott is a leadership strategist and founder of The Berkana Company LLC. She is the author of "What Successful Women Know about Leadership." As an experienced facilitator, trainer, and business consultant, she helps entrepreneurs and business owners build a thriving business from the inside out. Ann speaks professionally at conferences, workshops and seminars. To schedule her for your event, visit: Contact Ann at www.berkanacompany.com

8th Annual Pee Dee Blast Sporting Clays Event Sponsors & Winners

The Pee Dee Area MCASC would like to take this opportunity to thank
all the participants & sponsors for their generous support.

1st Place Team

Gateway Supply

Tracy Davis
Weston Evans

Ricky Evans
Kenny Tindal

2nd Place Team

H. R. Allen

Stan Harbourt
Michael Lalack

Gordon Jenkins
Jason Shorter

3rd Place Team

Carolina Insulation

Joe Bell
Riles Godwin

Jake Chamberlain
Larry Parker

Individual High Score (Tie)

Ricky Evans

Eric Gardner

Grudge Trophy

Pee Dee Area

Lunch Sponsors

Longley Supply
Thermal Resource Sales

Social Sponsor

Carolina Insulation Contractors, Inc.

Awards Sponsors

Control Management, Inc. / Siemens
James M. Pleasants Co., Inc.
Smith & Stevenson, Inc./Charlotte Pipe & Foundry/Delta Faucet

Refreshment Cart Sponsors

Cregger Company
Gateway Supply
James M. Pleasants Co., Inc.
McCall's Supply Company
Trane U. S.

Team Sponsors

Atlantic Electric/Eck Supply
Carolina Insulation (2)
Cregger Co.
Elliott Davis Decosimo
Ferguson Enterprises, Inc.
H. R. Allen
Maxim Crane Works
Ram Tool/Blue Line Rentals
Walkup Electrical Cont.

Carolina Cool
Chapman Company
Eastern Industrial Supplies
Enterprise Fleet Mgmt.
Gateway Supply (2)
Longley Supply (2)
R. C. Jacobs, Inc.
Victaulic

Banner Sponsors

Chapman Co.
Landmark Builders of SC
United Rentals

H & H Representatives
Richbourg's Rentals
Victaulic

Station Sponsors

A. O. Smith/RepSouth
Eastern Industrial Supplies
HD Supply Waterworks
Hilti, Inc.
Thomas Supply Co., Inc.

Charleston Winnelson
Enterprise Fleet Mgmt.
Herald Office Solutions
Ken Clary & Co.
Walkup Electrical Contrs.



MCASC 2015 COURSE REGISTRATION



COMPLETE AND FAX OR MAIL TO MCASC
 P.O. BOX 384, COLUMBIA, SC 29202
 TELEPHONE #: 803-772-7834 FAX #: 803-731-0390
 EMAIL: mflowers@mcasc.com WEBSITE: www.mcasc.com

NAME: _____

COMPANY: _____

ADDRESS: _____

PHONE: _____ **FAX:** _____

CITY: _____ **STATE** _____ **ZIP** _____

EMAIL ADDRESS: _____

NAME ON LICENSE: _____

LICENSE NO.: _____ **STATE:** _____

Payment Method

- ☐ Please Invoice
- ☐ Check Enclosed for \$ _____

NOTE:

All Courses Will Be Held At
 The MCASC State Office Training Facility
 1504 Morninghill Drive, Columbia, SC

NOTE:

WE OFFER A DISCOUNT
 IF YOUR COMPANY REGISTERS THREE (3)
 OR MORE FOR THE SAME COURSE.
 SEND 3...THE 4TH IS FREE

NOTICE:

ANYONE FAILING TO WITHDRAW FROM A COURSE
 TWO WEEKS PRIOR TO ITS START WILL BE BILLED
 FOR THE ENTIRE COST OF THE COURSE.
 NO EXCEPTIONS.

AL & GA APPROVED

- ☐ Collections in the Construction Industry

Instructor: Chuck McDonald, Esquire

November 18, 2015 – Columbia

Time: 9:00 AM - 4:00 PM

Member: \$175.00

Non-Member: \$225.00

Pee Dee Blast Winning Teams



**Associate Member:
The Chapman Company**

The Chapman Company was founded in 1994 by Randy Jones and last year celebrated 20 years of excellence in serving our customers with 8 reps covering South Carolina, North Carolina, Georgia and Eastern Tennessee. We are a manufacturer's rep firm with multiple product lines serving commercial HVAC, Plumbing and Electrical contractors.

Chapman Company has become the Southeast's trusted partner for Seismic and Vibration Isolation solutions representing The VMC Group of Companies as well as several other manufacturers. Other manufacturers include: Brimar, PHP Systems and Design, Thermacor Process, Twin City Hose, Car-mon Products, Innerlynx, Acoustiblok and Gearstacker. We have a team that is focused on understanding the various building codes and how they apply to the areas we service and we take pride in helping our business partners get the right products and engineering to meet the demands of their projects. Our goal for success is to be our customers most dependable and reliable source for the products we represent. We look forward to serving you in the near future. Feel free to contact us at 866-350-6235 or visit our website at chapmancompany.com.

***The Chapman Company
3168 Sand Marsh Lane
Mt Pleasant, SC 29466-9095
Phone: (843) 881-0051, Fax: (843) 881-6077***

**Congratulations to our next Associate & Mechanical Members who will be
highlighted in the upcoming issue of "The Tool Box":
Smith & Stevenson, Inc., Charlotte, NC - Associate Member
Walkup Electrical Contractors, Florence - Mechanical Member**

OCTOBER 2015 MONTHLY AREA MEETINGS

MIDLANDS AREA

Thursday, October 1, 2015 @ 6:00 PM
Location: Grecian Gardens, 2312 Sunset Blvd., W. Columbia

**Joint Meeting With
Columbia Contractors' Association**

PEE DEE AREA

Thursday, October 8, 2015 @ 6:30 PM
Location: Roger's Barbeque, 2004 W. 2nd Loop Rd., Florence
Sponsored By: Carolina Insulation Contractors

CANCELLED

**Topic: "Your Personal Economic Model"
Presented By: H. Michael Thomas
Financial Planner**

PIEDMONT AREA

Tuesday, October 13, 2015 @ 6:00 PM
Location: 103 Woodruff Industrial Lane, Greenville
Sponsored By: Greenville Mechanical, LLC

**Topic: "Payment Bonds: What to do
when you are the bonded contractor."
Presented By: Chuck McDonald, Esquire
Robinson McFadden**

COASTAL AREA

Tuesday, October 27, 2015 @ 6:00 PM
Location: 4711 Rivers Avenue, North Charleston
Sponsored by: Ferguson Enterprises, Inc.

**Topic: City of North Charleston
Presented By: Keith Summey, Mayor
City of North Charleston**



P.O. Box 384, 29202
1504 Morninghill Drive
Columbia, SC 29210
Phone: (803) 772-7834
Fax: (803) 731-0390
E-mail: mflowers@mcasc.com
www.mcasc.com

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

MCASC Executive Board & Staff

Allen Goff, President
Stan Harbourt, Vice-President
Duwayne Jacobs, Treasurer
Michael Hunter, Associate President
Mona Flowers, Managing Director

Mechanicals make it happen -
Be part of the best!

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.