



**Mechanical
Contractors
Association**
of South Carolina

The Tool Box

Serving the Electrical, HVAC & Plumbing Industries Since 1912

Volume 3, Issue 72 July 1, 2006

Dealing With Price Escalation For Construction Materials

By: **Chuck McDonald, Esquire**
Robinson, McFadden & Moore, P.C.

Contractors, more than anyone, know the impact of spiraling costs for construction materials. Recent spikes in the price of copper and aluminum have put the squeeze on mechanical contractors. The question on the minds of many contractors is what can be done to protect them from unanticipated spikes in the price of key materials such as copper and aluminum. From a legal perspective, the answer lies in the contract between the mechanical contractor and the owner or general contractor.

Unless the contract addresses relief for unanticipated increases in the costs of construction materials, a contractor has little chance of recovering its losses due to such increases in material costs. While there are legal defenses, which excuse a party from performing its obligations under a contract, none of these defenses apply in the situation of unanticipated increases in material costs. Simply put, there is no legal life preserver for a contractor to rely on when faced with the prospect of having to pay much more for materials than the contractor anticipated at the time of bid and award of contract. While the contractor may have the unique good fortune to work for an understanding and generous owner or prime contractor, absent such a relationship, the likelihood of an "equitable adjustment" to the contract sum for unanticipated increases in material costs is slim indeed. Therefore, it is becoming increasingly important for contractors to address the right to additional compensation for increased material costs within the contract itself. Through the use of an appropriate addendum to the construction contract, contractors can protect themselves by defining when and how they can receive additional compensation for increases in material prices.

If bidding as a prime contractor on public work, the contractor faces the issue of not being able to qualify its bid or modify the underlying contract documents. In these situations, a contractor is well advised to review the public agency's procurement rules and contractual conditions to see if relief is available for unanticipated increases in material costs. By way of example the General Conditions for Construction as promulgated by the Office of the South Carolina State Engineer allows a contractor to make a claim for an increase in the contract sum for a number of listed factors including the catch-all "other reasonable grounds." [See Article 4.3.6 of the OSE A201-1997.] Whether the State Engineer would construe "other reasonable grounds" to include an unanticipated spike in material costs would likely be a fact specific determination made on a case by case basis. It would be advisable to raise this issue at a pre-bid conference to see if an answer can be had prior to bidding. On federal projects, there is normally not such a "catch-all" category and contractors should be sure there is a specific price escalation clause or be prepared to assume the risk of escalating material prices.

For more information, contact Chuck McDonald at 803-227-1127 or email him at cmcdonald@robinsonlaw.com

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July 20-23, 2006
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If Interested Contact
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PROJECTS FOR BID & BID FORECAST

MECHANICAL CONTRACTORS ASSOCIATION OF SOUTH CAROLINA
P.O. Box 384, Columbia, South Carolina 29202 · 1504 Morninghill Drive, Columbia, South Carolina 29210
PHONE (803)772-7834 · FAX (803)731-0390 · E-MAIL: mflowers@mcasc.com WEBSITE: www.mcasc.com

JOB TO BE BID THROUGH THE MCASC BID PROCEDURE.
ALL MECHANICAL CONTRACTORS WHO ARE NOT MEMBERS OF THIS ASSOCIATION BIDDING ON THESE ADVERTISED JOBS ARE INVITED AND URGED TO UTILIZE THE MCASC BID PROCEDURE PUBLISHED HEREIN.
INFORMATION PUBLISHED BY THE MECHANICAL CONTRACTORS ASSOCIATION OF SOUTH CAROLINA

NOTES:

1. ALL JOBS LISTED WITHOUT REFERENCE TO THE MCASC FOUR-HOUR DESIGNATION ARE EITHER ZERO OR TWO-HOUR BID JOBS.
2. ALL ASPECTS OF THE MCASC FOUR-HOUR BID PLAN APPLY TO JOBS DESIGNATED AS EITHER ZERO OR TWO-HOUR JOBS WITH THE EXCEPTION OF TIME & BID PROCEDURE OFFICE/SIGNATORY GENERAL CONTRACTOR INTERFACING.

*MCASC BID PROCEDURE SIGNATORY GC'S INDICATED WITH "O"

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DAVID BISHOP
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NO JOBS LISTED

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CHAIRMAN DESIGNATING COMMITTEE
RON RUNYON
TEL: (843) 556-5636 FAX: 763-3091

NO JOBS LISTED

MCASC Would Like To Extend Our Thoughts And Prayers To The Following Families:

CONCERNS

Junior Gasque, Gasque Plumbing Co., Inc., Myrtle Beach
Chris Kirkland, G-M Mechanical, Greenville
Curtis Poplin (Son of Henry & Brenda Poplin) B & L Electric, West Columbia
Paul Prevatte, North Strand Mechanical, North Myrtle Beach
Estelle Purvis (Mother of Darlene McGee) Bryce Mechanical Contractors, Florence

SYMPATHY

Jean G. Kolanko (Mother of Ron Kolanko) Atlantic Occupational Health, North Charleston

WEEK OF – June, 2006—July, 2006

DAY	JOB NO.	4/HR	LOCATION	NAME	BID DATE	TIME
No Jobs Listed						

“Tool Box Talks” Safety Tips Crane Booms and Power Lines

Our topic today is "Electrocution" or "What Can Happen When a Crane Boom Hits an Energized Power Line".

Most of you who have spent time in heavy construction know of someone who has been killed or severely shocked or burned by such an accident. The cause is generally poor judgment or forgetfulness. When a job is being planned, power lines should be located and the voltages determined. Provisions should be made to eliminate the danger by having the current shut off or to minimize the danger by setting up safe procedures. Make sure you know if the current is shut off and that you understand the established safe procedures when working around power lines.

A TYPICAL CASE

Forgetfulness is bad enough. But poor judgment is even worse, as illustrated by the following example: A change of work area made it necessary to position a crane under a power line. With the boom in the air, the crane was rolled forward and then stopped. Supposedly, it was far enough away from the line to allow the boom to be lowered without hitting the wires. But the boom didn't clear.

WHO WAS AT FAULT?

Who was guilty of poor judgment? The whole crew, which includes the operator and the men who guided the movement and gave the signals. What should the men have done? Obviously, they should have stopped the crane farther back. They also should have kept a close watch on the block as the boom was being lowered, and signaled the operator to stop when it became evident that the boom was going to hit the power line. Had they done so, the crane could have backed off and completed the lowering without a mishap.

But what about the operator? He knew the length of the boom and the arc it made when being raised or lowered. He should have allowed enough distance to provide clearance, regardless of the ground men's lack of judgment. All crew members share the responsibility for preventing accidents in situations such as the one described. All must be alert at all times; first to protect themselves, and second, to protect the other person. If someone appears to be forgetful or inattentive, wake that individual up.

WORTH REPEATING

When you're working close to a power line, use good judgment. Keep boom, cable block and tag line a minimum of ten feet away. Even greater clearance may be required, depending on voltage and work conditions. Remember that in some cases the current can jump from power line to the boom or cable without contact being made.

RSS Safety now offers a crane program that is designed to teach the necessary aspects of crane operations, doing it in the shortest amount of time possible so your operators return to the job sooner! See our website at www.RSSsafety.com for details and dates.

By: Mel Rosas – RSS Safety, LLC (Note New Co. Name, Address, Etc.)
1122 Industrial Drive, Suite 109, Matthews, NC 28105
Telephone (704) 844-2519 Fax (704) 844-0291

WELCOME NEW MEMBERS

CRAIG'S PLUMBING, INC. — CRAIG & DONNA CASEY — MURRELLS INLET
 STOVER MECHANICAL — DAVID HENSLEY — GREENVILLE

Outside Sales Engineer - James M. Pleasants Company, Inc.

Manufacturer's Rep Firm looking for an Outside Sales Engineer calling on Mechanical Contractors and Engineers in the Commercial HVAC & Plumbing industry. Oversee and manage all sales related activities, including system design and product application, for assigned accounts in the Columbia, SC area. HVAC & Plumbing system knowledge and experience are required. Past sales experience in the Columbia HVAC/PLBG market is preferred. www.jmpco.com

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Mail cover letter and resume to PO Box 16706, Greensboro NC 27416, Attn: Chuck Moore or email to chuckm@jmp.com.

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 BRASSTOWN VALLEY RESORT - YOUNG HARRIS, GEORGIA
 JULY 20-23, 2006

BY BECOMING A SPONSOR, YOUR PRESENCE WILL BE SEEN AND KNOWN TO ALL MEMBERS AND ASSOCIATE MEMBERS THROUGH OUR "TOOL BOX", WEBSITE, UPCOMING MEETINGS, CONVENTION MATERIALS AND EVENTS. AND YOUR PRESENTS WILL ALLOW THE MCASC SUMMER CONVENTION ONE TO BE REMEMBERED. DON'T MISS THIS WONDERFUL OPPORTUNITY FOR YOU OR YOUR COMPANY TO BE PROMOTED AT THE SUMMER CONVENTION.

DON'T DELAY BECOME A SPONSOR TODAY!

SPONSORSHIP PACKAGES INCLUDE THE FOLLOWING OPPORTUNITIES. PLEASE CHOOSE THE ONE(S) YOU WISH TO SPONSOR, COMPLETE THE FORM AND FAX TO MONA FLOWERS (803) 731-0390.

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FRIDAY:

COCKTAIL RECEPTION HONORING PAST PRESIDENTS	\$1,500.00
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HOSPITALITY COTTAGE	\$500.00
SURCIES & PRIZES	\$500.00

SATURDAY:

ASSOCIATE MEMBER BREAKFAST MEETING	\$500.00
PAST PRESIDENT'S BREAKFAST MEETING	\$500.00
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EDUCATIONAL WORKSHOP BY: WALLY ADAMCHIK	\$2,000.00
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TENNIS TOURNAMENT	\$250.00
DRINKS AT THE WHISKEY BARREL BAR	\$1,500.00
DINNER AT THE SUNSET PAVILION	\$5,000.00
ENTERTAINMENT BY: LONESOME ROAD BAND	\$1,000.00
HOSPITALITY COTTAGE	\$500.00
SURCIES & PRIZES	\$500.00

SUNDAY:

PICK A WINNER AWARDS BREAKFAST / OPEN BUSINESS MEETING	\$2,000.00
AWARDS & PRIZES	\$500.00

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COMPANY NAME: _____

By: _____ DATE: _____

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 Phone: (803) 772-7834 Fax: (803) 731-0390
 Email: mflowers@mcasc.com Website: www.mcasc.com



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NOTE:
 WE OFFER A DISCOUNT
 IF YOUR COMPANY REGISTERS
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NOTE:
 All Courses Will Be Held At
 The MCASC State Office
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 1504 Morninghill Drive
 Columbia, SC

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.

PLEASE PLACE A CHECK BESIDE EACH COURSE YOU WISH TO REGISTER FOR:

NC, GA & AL APPROVED
 Plumbing & Gas Code
 October 4, 2006 - Columbia
 Time: 9:00 AM - 4:00 PM
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 Plumbing & Gas Code
 November 1, 2006 - Columbia
 Time: 9:00 AM - 4:00 PM
 Member: \$ 175.00 Non-Member: \$ 225.00

NC, GA, & AL APPROVED
 Plumbing & Gas Code
 December 6, 2006 - Columbia
 Time: 9:00 AM - 4:00 PM
 Member: \$ 175.00 Non-Member: \$225.00

NC, GA & AL APPROVED
 Mechanical (HVAC) &
 Gas Code
 October 25, 2006 - Columbia
 Time: 9:00 AM - 4:00 PM
 Member: \$175.00 Non-Member: \$225.00

NC, GA, & AL APPROVED
 Mechanical (HVAC) &
 Gas Code
 November 15, 2006 - Columbia
 Time: 9:00 AM - 4:00 PM
 Member: \$175.00 Non-Member: \$225.00

NC, GA, & AL APPROVED
 Mechanical (HVAC) &
 Gas Code
 December 20, 2006 - Columbia
 Time: 9:00 AM - 4:00 PM
 Member: \$175.00 Non-Member: \$225.00

**TO RENEW YOUR 2007 NORTH CAROLINA LICENSE YOU MUST TAKE
 4 OF YOUR 6 CE HOURS IN NC CODE CHANGES AND AMENDMENTS
 (EXCEPT FOR FIRE SPRINKLER LICENSEES)**

2006 Santee Tournament Weekend

1st Place Team:

Gary Kirkland

Harvey Kirkland

Craig Kirkland

Larry Shields

2nd Place Team:

Taylor Brewer

Adger Brown

James Landreth

Bobby Landreth

3rd Place Team:

Brian Elkins

Greg Wheeler

Mike Swindall

Long Drive Hole # 7:

Scott Arledge

Closest To Pin:

FRONT NINE:

#3 Greg Wheeler

#8 Jonathan Watts

BACK NINE:

#11 Mike Hough

#15 Beth Higdon

Best Dressed:

Male

John Myrick

Female

Vickie Bobbitt

Heaviest Drinker:

Brian Ambrose

Poker—Winner

Kevin Cooper

Largest Fish By Weight:

Ashley Wells

Most Fish Total Weight:

John Varnadore

No Fish / Fewest Fish / Ugliest Fish:

Ervin Whitten

Best Fish Tale:

Art Brewer

Best Dressed (for the occasion):

Velma Whitten

Entertainer of the Day:

Duwayne Jacobs

Heaviest Drinker:

Tom Brock

Congratulations To All The Winners!

2006 Swatter-Snagger-Shagger Weekend Tournament Sponsors



MCASC GREATLY APPRECIATES THE FOLLOWING COMPANIES GENEROUS SUPPORT OF THE SANTEE SCHOLARSHIP TOURNAMENT. THANK YOU!

- AAA Supply Company, Inc.
- Anvil International, Inc.
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- BB&T Boyle-Vaughan Insurance
- B & L Electric Company
- B & W Mechanical Contractors, Inc.
- Bernoulli Insulation Company
- Bill Kirkland Heating & Air Conditioning
- Boykin Contracting, Inc.
- Bryce Mechanical Contractors, Inc.
- Carolina Air & Water Balancing Co.
- Carolina Insulation Contractors, Inc.
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- City Plumbing Company
- Control Management, Inc.
- Cregger Company
- Cullum Mechanical Construction, Inc.
- ECK Supply Company
- Eastern Industrial Supplies, Inc.
- Epting Distributors
- Ferguson - Charleston, Columbia & Greenville
- Freeman Mechanical, Inc.
- G-M Mechanical Corporation
- Gasque Plumbing Co., Inc.
- Gatch Electrical Contractors, Inc.
- Gateway Supply Co., Inc. – Columbia
- H & H Representatives
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- Hill Plumbing & Electric Co.
- C. R. Hipp Construction, Inc.
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- Imperial Metals
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- James M. Pleasants - Columbia & Greenville
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- Shealy & Sons Electric Co., Inc.
- SIFCO Mechanical
- Smith, Kesler & Co.
- Smith & Stevenson, Inc.
- Sunbelt Marketing, Inc.
- Thermal Resource Sales
- Transworld, Inc.
- Triad Mechanical Contractors, Inc.
- Victaulic Company of America.
- W. N. Kirkland, Inc.
- W. O. Blackstone & Company, Inc.
- Waldrop Heating & Air Conditioning, Inc.
- Walker-White, Inc.
- Zurn Industries

**Associate Member:
United Rentals**

United Rentals has been in business in Charleston SC since 1998. We specialize in aerial lifts, with a large fleet of 85', 125', and 135' manlifts, dirt moving, large and tow able air compressors, and other industrial and construction equipment for rental and sale.

United Rentals is also a major source for contractor and industrial supplies with a 6500 square foot showroom on Fain Boulevard in North Charleston full of power tools, safety equipment, paint, drill bits, abrasives, hand tools, and other consumables. Each United Rentals branch has the Support of 9 distribution centers housing over 7500 items able to be drop shipped next day. Most items are found in the United Rentals Contractor Supplies Catalog. Ask your local sales rep for a copy, or call 1-800-UR-RENTS, and we'll mail one to you.

United Rentals in North Charleston added a concrete batch plant in 2005. If you are in need of ¼, ½, ¾, or 1 yard of concrete you can get it at United Rentals. We have 1 yard mixing trailers that are loaded on site and customers take to jobs. No more Waiting all day for short loads from large batch plants and paying high minimum fees.

United Rentals also offers a Customer Service Plan for routine maintenance of customer equipment. We will go to job sites and maintain your equipment and then notify you when the equipment is due for the next service. If customers prefer to do their own work, United Rentals can help support their shop with necessary parts.

United Rentals, we're not just a rental store. Come check us out at 6201 Fain Boulevard, North Charleston SC, 29406, just off exit 211A (Aviation West) from I-26.

United Rentals
6201 Fain Boulevard, North Charleston, SC 29406-4906
Phone: 843.747.0471
Fax: 843.554.0738

Congratulations to our next Associate & Mechanical Members who will be highlighted in the upcoming issue of "The Tool Box":
Freeman Mechanical, Inc. — Greenville
ECK Supply Co. — N. Charleston

SEPTEMBER 2006 MONTHLY AREA MEETINGS

MIDLANDS AREA

Thursday, September 7, 2006 @ 6:00 PM
Location: 9221 Farrow Road, Columbia
Sponsored By: Ferguson Enterprises

Topic: TBA

PIEDMONT AREA

Tuesday, September 12, 2006 @ 6:00 PM
Location: 8345 Taylor Colquitt Road, Spartanburg
Sponsored By: Waldrop Heating & Air Conditioning

Topic: TBA

PEE DEE AREA

Thursday, September 21, 2006 @ 6:30 PM
Location: TBA
Sponsored By: TBA

Topic: TBA

COASTAL AREA

Tuesday, September 26, 2006 @ 6:00 PM
Location: 4447 Dorchester Road, N. Charleston
Sponsored By: ECK Supply

Topic: TBA

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Mike Hough, Associate President
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Mechanicals make it happen -
Be part of the best!

**15th ANNUAL SWATTER-SNAGGER-SHAGGER SCHOLARSHIP TOURNAMENT
WAS A BIG SUCCESS!**

Many Thanks to each of you who participated in the 15th Annual Swatter-Snagger-Shagger Scholarship Tournament that was held June 2-5 at Santee. The event was considered by all a big success with 71 Company Sponsors and 60 in attendance. Everyone had a great time!

The Scholarship Fund continues to grow and this year we had five (5) young people to apply for Scholarships. Fortunately, with the help of the Pee Dee and Piedmont Areas, we were able to award Scholarships to each of the five (5) applicants. Please keep the Scholarship Fund in mind and help us to recruit more young people to apply next year. The application and guidelines can be found on the website and applications are due by April 1 each year. This is a great opportunity for the Association to recruit young and talented people into the Industry.

I would also like to "Thank" everyone who served on the Associate Member Committee for all their help in the preparation, planning and recruiting of sponsors for the event. You all did a Great Job and I could not have done it without you.

We are always looking for ways to grow and improve this event. Your suggestions are welcome and I would appreciate hearing from you. Look forward to seeing you all at Brasstown Valley Resort.

Mike Hough, Associate President