



# The Tool Box

Serving the Electrical, HVAC & Plumbing Industries Since 1912

Volume 6, Issue 113 December 1, 2009

## Be Offensive! By Wally Adamchik

Clearly, the signs and indicators are mixed. For every upbeat comment, there seems to be another downer. Unemployment remains high and the economy seems to be forever on the brink. However, there are some promising signs. There are rumblings of a recovery. In truth, it may be modest, but it beats a continued downturn. So ... now what?

What are you going to do now to be ready to beat your competition out of the hole? Research continues to support the fact that you cannot cut your way to success. You can cut your way to avoid going out of business, but that's a defensive strategy. In war, you can dig deeper trenches and put out more mines - both defensive strategies. These may protect you from defeat but they will not lead you to victory. At some point, you need to go on offense. Research tells, and our experience confirms, that companies who maintain some offense in a downturn do significantly better in the recovery. There are a number of things you can do to get on offense. Here are a few:

**Training and Development** - Invest heavily in growing your people. For the first part of 2009, I was concerned. I knew we were busy, but it didn't feel quite as busy as 2008 (which had been a record year for us). I finally ran the numbers a few months ago and it turns out we are ahead of 2008! I shouldn't have been surprised. We have some outstanding clients who believe in developing leaders at all levels, and they have continued to invest in their people. These firms are on offense. How does your commitment to your people compare to these firms? Are you ready for the recovery? With revenues down, you may not be able to implement a full-blown training program, but you can lay a foundation to build on. Maybe you can deliver the first class of a multi-session curriculum - just not the entire curriculum yet. Get the idea?

**Marketing** - The other thing that firms cut when they go on defense is marketing. It never made sense to me that, in times when you need more work, you cut the people who get you the work. Business development takes time, and if you haven't been keeping in touch with your clients, they're not going to think of you when the recovery comes. They're going to think of the firm that has been sending them direct mail and keeping in contact. So, when the work comes back, it won't be yours.

**Recruiting** - This important process pretty much stops when you go on defense. That makes some sense, but it's not a good strategy for long term success. I know one firm that brings all their college interns from the summer in for a weekend during the fall. They get together and share lessons learned, while being reminded that the firm thinks highly of them. The company continued this practice in the fall of 2008, after Wall Street collapsed, and is preparing for this year's event as we speak.

**Morale** - A study conducted by Harris Interactive and the Workforce Institute at Kronos indicates that vital qualities such as teamwork and a can-do spirit often take a hit after a company has layoffs: 40% of surveyed employees complained that productivity suffered, and 66% said they believed morale was down and people were less motivated. Approximately two-thirds of workers felt there was now too much work to be done and not enough people to do it. And more than a third were concerned that, as the

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Have  
A  
Merry  
Christmas  
And  
A  
Happy  
New Year!!





**“Tool Box Talks” - Safety Tip**  
**DRINKING & DRUGS - NOT ON THE JOB**

All of us know that certain drugs are illegal, and that drinking or drug use can lead to both physical and mental impairment, and also that state and federal laws prohibit or regulate the use of drugs and alcohol. Catchy phrases such as “Drinking and driving don’t mix”, “Just say no to drugs”, “MADD, Mothers against drunk driving” and “D.A.R.E. to keep kids away from drugs” serve as reminders and warnings of the dangers associated with drug abuse and the irresponsible use of alcohol. We also need to be concerned about those who use these substances on the job.

The nature of our work demands total concentration on what we are doing. One slip could cause a serious injury or even death - and the victim could be you or a co-worker. Certainly the jobsite is no place for anyone using drugs or alcohol. Construction activities require employee alertness to constant changes on the site and the ability to follow safe work practices to prevent accidents.

Experts suggest that 14% of workers use some type of substance on the job, and that 50% of those users try to sell drugs to other employees. Drug and alcohol users are more prone to have accidents, reduced productivity, increased tardiness and absenteeism, and poor quality work.

It is up to you to avoid becoming a statistic, and to make your workplace safe and productive. If you suspect that a co-worker is abusing alcohol and/or drugs, don't help them continue their habit, speak to your supervisor. Covering up a problem can lead to a potential incident and innocent workers could be hurt due to the impaired actions of a person who is a drug user or one who has a drinking problem. Many companies now offer an “Employee Assistance Program” designed to help their employees “kick the habit” - or your supervisor may refer them to programs in the community where they can get help and counseling.

If you are a drug user, GET HELP! If you abuse alcohol on or off the job, GET HELP!

The holidays will soon be here. Don't allow substance abuse to destroy the joy of the season.

EVERYONE LIKES TO HAVE A GOOD TIME, BUT WHEN ALCOHOL IS INVOLVED, BE SURE TO APPOINT  
A RELIABLE DESIGNATED DRIVER BEFORE THE PARTY STARTS!

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

**Birth Announcements**

**Michael G. Hart, Jr.**  
**Born August 8, 2009**  
**Proud Parents: Michael & Michelle Hart**  
**Dixon Hughes, Spartanburg**

**Miller Augustine Pitts**  
**Born September 23, 2009, 10:38 PM, 7 lbs, 12 oz, 22 ins.**  
**Proud Grandparents: Mike & Jeris Pitts**  
**Johnson Controls, Inc., Greenville**

**Landon Marcell Moras**  
**Born October 30, 2009, 6:41 AM, 7 lbs, 6 oz, 20 1/2 ins.**  
**Proud Parents: Jay & Veronica Moras**  
**W. O. Blackstone & Company, Inc., Columbia**

**Condolences**

**Mr. & Mrs. Bryan Finch & Family**  
**On the loss of his uncle**  
**Control Management, Inc., Greenville**

**Welcome New Members**

**Bryan Fox - H & E Equipment Services**  
**Columbia**

**Happy Anniversary**

**Mr. & Mrs. Lewis Caswell - 12/20**  
**Mr. & Mrs. Randy Harley - 12/21**

**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**  
**Wyman Sox - Honorary Life Member, W. Columbia**

(Continued from page 1)

economy picks up, they will not have the right resources to meet demand. In other words, they are worried - and rightly so - that they will not be able to go on offense.

Candid communication and engaging leadership is the key here. Don't hide in your office and lob emails over the wall. Get out and talk to people. See how they are feeling. Ask for ideas on how to improve the business. They might surprise you with some powerful ideas and they will feel valued.

While we cannot predict the exact moment that our economy will recover, we do know that it will. What we can predict is that firms that invest and prepare for the future will do better. Now is the time to move yourself and your firm into position for future success. Remember, the best defense is a good offense.

Wally Adamchik is the President of FireStarter Speaking and Consulting, a national leadership consulting firm based in Raleigh, NC. You can email him at [wally@beafirestarter.com](mailto:wally@beafirestarter.com) or visit the website at <http://www.FireStarterSpeaking.com>.

His book *No Yelling* (<http://www.noyelling.net>) was selected by *Entrepreneur Magazine* as one of the best business books of Summer 2007.

## Save These Dates For Upcoming Events!!!

### 1st Annual Midlands Area Scholarship Glow Ball Tournament

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

### 6th Annual MCASC Statewide Meeting & Barbeque

March 2010  
TBA

### 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



Season's Greetings!  
MCASC would like to extend  
our appreciation to all of our members  
for their support during the past year.  
We wish everyone  
A Happy and Prosperous New Year!!

## Job Site Mediation

**By: Tom Frisby - [www.frisbygroup.org](http://www.frisbygroup.org)**

Construction projects have been a contagion for disputes. These projects contain the bird flu virus of conflicts that range from interpersonal relationships to hard fought litigations, and everything in between.

However, there is emerging a shift in the culture of construction projects. From an adversarial, combative one, the participants are slowly beginning to realize that there is a more civilized way to build than fighting each other, and having a judge or jury resolve their differences. Indeed, on many projects, the culture is changing from adversarialness to a team approach. In fact, delivery systems are also trending toward a participative, risk sharing approach (such as design/build) rather than the design-bid-build method which has been the standard for so many decades.

There are numerous mechanisms now being employed to prevent disputes, or to solve them quickly (in “real time” where possible). These mechanisms will be discussed below, with emphasis on those that take place during the construction of the project, as opposed to those that occur when the project is complete.

Among the mechanisms to prevent disputes are:

- The design-build contractual relationship which teams the designer and the contractor in the development and management of the project. Accepted in most states but not on public projects at this time in South Carolina, it is probable that design/build will also be approved for use here as well, at least under certain circumstances.
- The use of Partnering whereby the parties at the beginning of the project agree to try to work together in preventing and resolving problems, rather than against each other.
- Often, in the first partnering session, the contractor and the designer agree to have a series of desk top meetings to review drawings for discrepancies and iron out any conflicts before the construction trades begin installation, to prevent delays and disruptions.
- Many contracts now actually require a “stand down period” before any work begins, enabling the parties to try to clean up the drawings, develop meaningful schedules and project management systems. Thus, the project actually begins with a good game plan, drawings that have been examined by the contractor and designer for conflicts to avoid delays later on: all of which can develop a team approach at the outset of the project.
- In many contracts, there is now a requirement for a three step approach to quality, beginning with a kick-off meeting before the implementation of every new work activity. At this kickoff meeting, to be attended by the contractor and the owner’s representative, the parties look over the drawings, discuss quality requirements, criteria for acceptance, ideas for improving the installation process, and resolve any conflicts that may still exist in the drawings.

The foregoing is really a conflict management process within itself. It is a give and take approach aimed at a common goal: to build the project on time, on budget and per the contract requirements. The parties are in effect negotiating priorities, the bumps in the road that will impair progress, and jointly developing the most effective approach for building the project even though some of their interests may be in conflict. The contractor wants to do it his way because it may save him money. The engineer wants to do it his way because he is proud of his design and thinks it is the best way to build this thing. Yet, the parties realize there may be no “best” way, but the most practical way that works for everyone. This approach is used extensively by the Japanese, and it is now becoming very common in states like Nevada, Arizona, and California. And the results have generally been very favorable. In Texas, studies have shown that partnering where the steps listed above are implemented, change orders and claims are reduced, and there is a more probable chance of budget and schedule being attained.

Another technique used in Partnering is the “Dispute Resolution Ladder”. The concept of the dispute resolution ladder is to push down to the supervisors with boots on the ground the accountability for resolving their own problems.

Stakeholders	(Unresolved financial issues)
Project Managers	(Contract and scheduling)
Superintendents	(Field coordination issues)

In the foregoing, it is recognized that there may be conflicts over which trades enter an area first, or the duration of an activity, or whether a given work activity is in or outside the scope of the contract. The supervisory persons who are involved at the initiating point (that is, where the conflict first arises) are assigned the responsibility and generally the authority of attempting to solve the problem. If after sincere effort, they cannot do so, the problem is bumped up the ladder until finally, if absolutely necessary, the principals (called “stakeholders”) of the various parties (owner, designer, contractor(s)) step in and make the decision. It is rare that a conflict goes above the “stakeholders”.

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In the case of the new Ravenel Bridge in Charleston, South Carolina, this is exactly the process that was used. The contract and the management process for performing the construction of the bridge are models for conflict management and resolution as much as for the engineering marvel that the bridge represents. And the bottom line: early completion, under budget, excellent workmanship. Conflicts were not allowed to fester and impede momentum. Decision-making was timely and objective. And on such projects, the expression “construction was fun again” is often heard from the participants.

A tribute to conflict management.

Now, assume that the stakeholders cannot resolve a conflict among themselves. On many projects, there is built in a mediation approach to help resolve the conflict to keep the momentum and, hopefully, the relationships moving smoothly. The following is a summary of the various mechanisms that may be incorporated into the contract:

#### 1. The Partnering Facilitator

In many contracts, the individual selected to facilitate the partnering sessions also acts as a Mediator to help resolve disputes that may arise during the course of the project. The facilitator should know the construction business, be skilled in mediations and negotiations, and most essentially, be on a “short leash” so that he can be called in quickly to help the parties themselves resolve their problems. One of the largest categories of cost in a construction claim is delay damages or so-called “impact” costs. By expediting decisions and maintaining momentum the chances are these categories of costs will be avoided or minimized, making it easier for the parties to work out a financial settlement. In these instances, the facilitator is just that: a “facilitator” helping the principals to resolve their differences among themselves.

#### 2. Binding Mediation

In some instances, the parties will appoint a Mediator who actually has the authority to make a binding decision when disputes arise during the course of a project. In these instances, the Mediator still begins the process of attempting to get the parties to work out their own problems, but when they can't, he is authorized (such as in binding Arbitration where there is a single arbitrator) to make a binding decision, one that “sticks” and both parties have agreed in advance to be bound by. Of course, the principals must select a very competent mediator, in whom they are willing to place much trust. In the West, particularly in the house building industry, we see this methodology being used with some frequency. When the financial risks are relatively lower (house building versus a high rise building, for example), the advantage of these arrangements is to gain quick, inexpensive resolution and to not get mired down in disputes. The “miring” is often more costly than the cost associated with the actual conflict itself.

#### 3. Dispute Resolution Boards

On larger projects, the use of the Dispute Resolution Board (DRB) is becoming more popular. Southern Nevada Water Board in Las Vegas incorporates the DRB into every major contract, for example. For the most part, three experts in the field are chosen at the beginning of a project. The DRB members generally attend the pre-con and the first partnering meeting, then periodically visit the site for an overview. When a dispute arises, they can be quickly mobilized to get to the bottom of it expeditiously and provide their advice on how the parties should proceed. They may actually make a decision, but the DRB is generally not empowered to make a binding or final decision. The value of the DRB is that the members are (or should be) experts with a reputation for objectivity and professionalism. So their opinions carry a great deal of weight on all the parties, and generally facilitate an early and productive resolution of whatever conflict they have been called in to evaluate. Another advantage, if one of the parties to the conflict has a very weak position, he is sometimes embarrassed to present it with a “straight face” to Board members whom he knows will see through his position; so it discourages flimsy and also encourages the development of positive relationships among the people building the project, empowering them to “work it out” when there are conflicts.

Summary: The foregoing are some of the cultural changes that are occurring within the construction industry, and the mechanisms that are being involved for dispute resolution and conflict management. The Federal Government also uses all of the concepts above in its vast construction program and the success ratio in the Federal sector is akin to that of the private sector: To work, all of the parties must commit to it and cast aside the previous paradigm of distrust and combativeness. The core of the trend seems to be relationship management (an intentional shift in the cultural paradigm from adversarialness to collaboration); and personal accountability on the one hand, and sheer pragmatism on the other where the parties realize that taking conflicts to the next level of a judicial process is often, as General LeMay said about nuclear war: “There are no winners, just varying degrees of losers.”

**Associate Member:  
THE TOOL SHED, INC.**

The Tool Shed was founded in 1977 to supply tools and equipment to automotive repair shops. A year later The Tool Shed purchased a 10,000 sq. ft. building on Poinsett Highway and began setting up a showroom for automotive tools. Nils Lindbloom, one of the founders and the current owner, saw a need for a specialty tool supplier that wasn't being filled by industrial suppliers and "big box" stores. These stores were stocking only a few of the top movers from tool manufacturers, and weren't providing the personal service that professional tool users desire. The Tool Shed began stocking a broad selection of tools and accessories from manufacturers known for quality. We now carry over 10,000 items from over 150 brands including DeWalt, Makita, Lenox, Armstrong, Milwaukee, Klein and Malco. We have over 90 different power saws on display! Our store is easy to access and we strive to provide the quick, knowledgeable service that customers expect.

Since its inception The Tool Shed has been growing steadily. We have recently added 5,000 sq. ft. of warehouse and office space to our existing building, and we are currently remodeling and expanding our showroom to double its size. This is enabling us to put the area's widest selection of tools and equipment on display and ready for demonstration.

For over 30 years we have been providing professional tradesmen the finest quality hand and power tools, and we know that helping our customers do their jobs more efficiently is what makes us the place "... *where the Pros tool up!*"

**Please contact us or come by our showroom at:  
901 Poinsett Highway, Greenville, S.C. 29609-4434  
Inside Sales : Phone: 800-233-6185  
Email: sales@thetoolshedinc.com  
Outside Sales: Phone: 864-787-4308 (Howard Martin)  
Email: howard@thetoolshedinc.com  
Fax: 864-271-6561**

**Congratulations to our next Associate & Mechanical Members who will be  
highlighted in the upcoming issue of "The Tool Box":  
Aggreko, LLC, Lexington - Associate Member  
Bear Mechanical Services, LLC, Columbia/Charleston - Mechanical Member**

**DECEMBER 2009 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.

**No Meeting or Event Planned  
For December**

**PIEDMONT AREA**

Wednesday, December 16, 2009 @ 5:30 PM to 7:30 PM  
Location: Wild Wing Café, 15 W. Washington St., Greenville  
Sponsored By: Dixon Hughes, PLLC  
Joint With ABCC, CFMA, MCASC, NAWIC, & PCEA

**Upstate Holiday Collaborative  
Bring An Unwrapped Toy For  
Toys For Tots**

**PEE DEE AREA**

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

**No Meeting or Event Planned  
For December**

**COASTAL AREA**

Saturday, December 12, 2009 @ 7:00 PM-11:00 PM  
Location: Holiday Inn, Folly Beach  
Sponsored By: Charleston Contractors Association,  
MCASC, & NAWIC

**Annual Holiday Gala  
Bring An Unwrapped Gift For  
My Sister's House**



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1504 Morninghill Drive  
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Fax: (803) 731-0390  
E-mail: mflowers@mcasc.com  
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*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 -  
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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.