

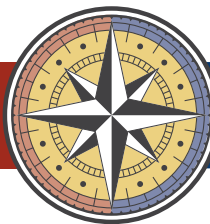
THE CONTRACTOR'S COMPASS



Small, but Mighty

Big Ideas for
Small Business
Success





EDITORIAL PURPOSE

The Contractor's Compass is the monthly educational journal of the Foundation of the American Subcontractors Association, Inc. (FASA) and part of FASA's Contractors' Knowledge Network. FASA was established in 1987 as a 501(c)(3) tax-exempt entity to support research, education and public awareness. Through its Contractors' Knowledge Network, FASA is committed to forging and exploring the critical issues shaping subcontractors and specialty trade contractors in the construction industry. The journal is designed to equip construction subcontractors with the ideas, tools and tactics they need to thrive. The views expressed by contributors to The Contractor's Compass do not necessarily represent the opinions of FASA or the American Subcontractors Association, Inc. (ASA).

MISSION

To educate and equip subcontractors and suppliers with the education and resources they need to thrive in the construction industry. Additionally, FASA raises awareness about issues critical to and about construction in the United States.

SUBSCRIPTIONS

The Contractor's Compass is a free monthly publication for ASA members and nonmembers. For questions about subscribing, please contact communications@asa-hq.com.

ADVERTISING

Interested in advertising? Contact Richard Bright at (703) 684-3450 or rbright@ASA-hq.com or advertising@ASA-hq.com.

EDITORIAL SUBMISSIONS

Contributing authors are encouraged to submit a brief abstract of their article idea before providing a full-length feature article. Feature articles should be no longer than 1,500 words and comply with The Associated Press style guidelines. Article submissions become the property of ASA and FASA. The editor reserves the right to edit all accepted editorial submissions for length, style, clarity, spelling and punctuation. Send abstracts and submissions for *The Contractor's Compass* to communications@ASA-hq.com.

ABOUT ASA

ASA is a nonprofit trade association of union and non-union subcontractors and suppliers. Through a nationwide network of local and state ASA associations, members receive information and education on relevant business issues and work together to protect their rights as an integral part of the construction team. For more information about becoming an ASA member, contact ASA at 1004 Duke St., Alexandria, VA 22314-3588, (703) 684-3450, membership@ASA-hq.com, or visit the ASA Web site, www.asaonline.com.

CONTENT TASK FORCE

Richard Bright, William Burke, Sheri Kitchen, Joselin Martin, Michael Metz-Topodas, Adrienne Smoot-Edwards, and Cheri Woodsmall

EDITOR

Mary Klett

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PRESIDENT'S LETTER



Greetings fellow ASA Members and Friends of ASA -

I hope that everyone has survived the coldest part of the year and all are looking forward to Spring. We can definitely put the darkest, coldest, and gloomiest part of the year behind us as we look forward in anticipation of warmer weather and more daylight. I definitely like the longer daylight hours. Not that it has improved my golf game any, but I can at least have a few more hours to work on it.

We now have in place a new (former) President of the United States in office and with that, his cabinet secretaries and staffers as well. And true to his word he is definitely making a big splash right out of the gate. Border Security/Immigration and Tariffs seem to be the hot button that in many ways could have an impact on our industry. Many of our companies rely on a workforce that has migrated to our country, and there is nervousness and fear of losing that workforce and not being able to provide the manpower needed to complete the projects we have. It will be interesting to see how all of that will play out. Tariffs might also have a direct impact on the goods we purchase for our construction projects. How do we shoulder the potential added costs for those materials, and can those potential costs ultimately be passed on our customers? Again, it will be interesting

to see how this all plays out. For insight to what is going on in DC and how all of this may impact us, I encourage you to keep apprised through the work Mike Oscar (our Government Advocacy guru) and his team are doing on behalf of ASA. It is one of the most important offerings that ASA delivers to our members.

For a couple days at the beginning of February, ASA National descended upon our ASA San Antonio chapter for a series of meetings. We had a Finance Committee meeting, our Think Tank open discussion forum, and a National Board meeting. We were welcomed with open arms by the San Antonio chapter and met with their Board and many of their chapter members. It was a good and productive visit, and we were overjoyed by their chapter's enthusiasm and great leadership. Thank you San Antonio!

This issue of *Contractor's Compass* is focused on Small Business. You will be able to read many great articles geared towards small businesses - whether it's about leadership (always thoughtful content from Gregg Schoppman), payroll, or free resources that you may have forgotten about - or overlooked.

In the not-too-distant future we have a few educational opportunities that might be of interest to you, and hopefully you can take advantage of them. On March 12th there is a webinar on [Contractor's Rights to Stop Work for Non-Payment](#). We all have encountered that problem. This should help you navigate through that slippery slope. On March 26th on LinkedIn, a webinar on [Personal and Business Success](#), using the LinkedIn Sales Navigator.

On March 19th we will have our [Annual Business Meeting](#). Normally this takes place during SUBExcel, which in the past has been in March, but this year SUBExcel is moving to September. Please join in for the Annual Business Meeting at which time you will receive the President's Report (or State of the Association), the Government

Advocacy Report (delivered by Mike Oscar), the Financial Update and more as well. Please mark your calendars for this important meeting.

Speaking of marking things down on your calendar, I would like you all to grab a Sharpie (or another permanent marker) and mark down SUBExcel which will be September 16th through the 18th, in Oklahoma City. The OK ASA Chapter, along with ASA National staffers and members from other chapters, have done a great job planning this amazing event. There are going to be phenomenal speakers, informative educational opportunities, an abundance of networking, peer to peer interaction, fun and social events, and our annual awards event. If you have never attended SUBExcel, now is your opportunity! For those that have attended SUBExcel in the past, we welcome repeat offenders, as each event is unique. I attended my first SUBExcel in 2016 and have never missed once since. It's an event you should not miss. I look forward to seeing you all in OK City in September. Registration should be opening up soon. Stay tuned.

Another event to mark down is our [Annual DC Hill Visit](#) on June 10 & 11. This is our yearly visit to our Nation's Capitol, meeting with lawmakers about issues that are important to our industry. Mike Oscar does an outstanding job with this. Registration is open, and you can reserve your spot.

I hope this letter finds all of you doing well and your business thriving. Keep your noses to the grindstone and I wish all of you the best. And remember, please feel free to reach out to me with any questions, suggestions, concerns, etc. Blessings to you all. Thank you.

Ray Moya
President, ASA - 2024-25
asapresident@asa-hq.com



CONTRACTOR COMMUNITY

ASA Supports Immigration Reform Including Expansion of the H2B Program and More...

Three-fourths of the construction industry consists of subcontractors, and ASA members will need 723,000 workers annually to meet demand. Factors driving this include natural disaster recovery, increased data center needs, likely raising labor costs. In the past year, average hourly earnings have increased by 4.4 percent.

ASA urges the 119th Congress to make the worker shortage in the construction industry a priority by reforming immigration laws. We propose expanding the H-2B visa program, increasing employment-based visa quotas, and creating a market-driven visa program for foreign workers. Additionally, ASA supports protections for Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS) recipients in the construction industry and suggests an improved E-Verify system with safeguards for employers.

Call to Action!

If you're reading this, then we want YOU . . . to help make this publication even better! Do you have a project you're super proud of? Headaches you have solved in an unconventional way? Lessons learned? Think others might benefit from your experience? Then why not share your story with us and the readers of *The Contractor's Compass*? [Send me an email](#) and we'll work out the best way to tell your story to the construction industry.

ASA Member Discounts! ASA Member Discounts!

Take advantage of exclusive discounts and savings available only to ASA members. These special offers can help you save money on a variety of products and services that are relevant to your business.

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Tariffs, Price Escalation, and Uncertainty: Navigating the Economic Ripple Effect

With existing tariffs and the likelihood of more on the horizon, along with ongoing renegotiations and pricing uncertainty, how do you effectively plan a project and provide an accurate quote? How do you prepare for potential workforce shortages or the possibility that essential parts may become scarce—or even unavailable?

We've been through this before, and ASA has you covered. Check out the "[Price Escalation and Expanded Force Majeure Contract Language](#)" that one of ASA's members, Lee Brumitt of Dysart Taylor Cotter McMonigle & Brumitt, P.C. drafted for us a few years ago.

Members: You'll need to log in.





2025 ANNUAL ATTORNEYS' COUNCIL MEETING

MARCH 28-29, 2025 | PARK CITY, UT

FRIDAY, MARCH 28, 2025

Lunch & Planning Meeting
Attorneys' Council Dinner
on-site restaurant; billed separately

SATURDAY, MARCH 29, 2025

Annual Meeting
breakfast & lunch included

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Registration fees will cover conference room set up and rental, audio visual, and three meals (Friday lunch, Saturday breakfast and lunch) at the Hotel Park City.



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WHY SUBEXCEL IN OKLAHOMA CITY?

Let Us Count the Ways!

We hold SUBExcel in cities around the country, attracting a slightly different audience and vibe each year. It keeps the convention exciting, unique, and one more great way to meet new people in the industry. No matter where you're from, businesses have similar woes and worries, just maybe a slightly different flavor.

With SUBExcel in Oklahoma City, September 13-15, this year, we thought it's high time to take this Always Something Awesome moment, and show you what's in store for you OUTSIDE of the convention area. We'll start near, and continue in an ever increasing radius.

The hotel itself

1. Who WOULDN'T want to stay in a water park (other than Elphaba)? And the brand new OKANA Resort & Water Park is the newest kid on the block. With 11 pools; 13 distinctive food and beverage outlets; and endless ways to relax, recharge, and revel, OKANA has something for the whole family.



See you there in September!
And remember to bring the family!



Within walking distance

2. First Americans Museum—Experience the collective histories of 39 distinctive First American Nations in Oklahoma today.

3. Old Paris Flea Market—Family owned and operated for 44+ years and counting!! They're the largest Indoor and Outdoor Flea Market in Oklahoma, with more than 200 outside vendors and more than 250 inside vendors. Weekends only.

Downtown

4. Oklahoma City National Memorial Museum—The Memorial and Museum were forged from the destruction and heartache of the April 19, 1995, Oklahoma City bombing. Journey through



touchscreens, galleries and theaters where a powerful story unfolds – one that’s as relevant today as ever.

5. Bricktown—Just east of Oklahoma City’s downtown business district, is the city’s original warehouse and distribution center turned entertainment district. Stroll along the Bricktown River Walk Park at your own pace. You can also catch a baseball game at the Chickasaw Bricktown Ballpark. The area is home to a plethora of public art, museums, and galleries, making it one of Oklahoma City’s most vibrant arts districts and a great attraction year-round.

6. Museum of Osteology (skeletons)—“America’s Only Skeleton Museum” is a unique educational experience. Focusing on the form and function of the skeletal system, this museum displays hundreds of skulls and skeletons from all corners of the world.

7. The National Cowboy & Western Heritage Museum—America’s premier institution of Western history, art, and culture. The Museum collects, preserves, and exhibits an internationally renowned

collection of Western art and artifacts while sponsoring dynamic educational programs to stimulate interest in the enduring legacy of the American West.

Plus...

the zoo, botanical gardens, shops, restaurants, science museum, museum of art, 45th infantry museum, and the list just keeps on going...

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Construction Data & Figures



Softness in construction spending predicted for 2025 & 2026

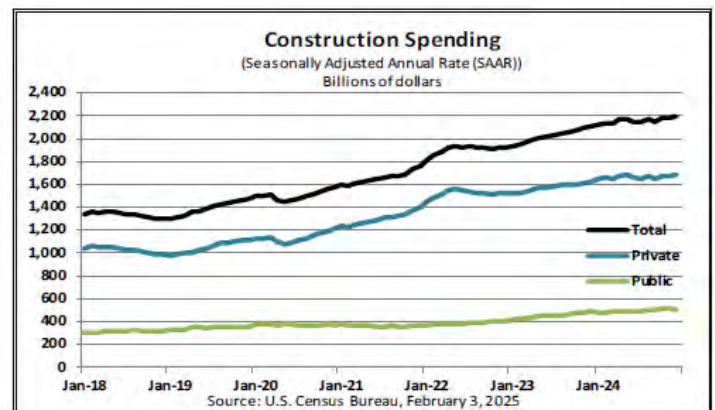
After increasing by almost 20% in 2023 and another 6% last year, construction spending for nonresidential buildings—commercial, industrial, and institutional facilities—is projected to slow dramatically this year and next. Panelists participating in The *American Institute of Architects' Consensus Construction Forecast* are expecting gains of only 2.2% this year and 2.6% in 2026. Of these sectors, spending on institutional facilities is projected to see the strongest gains of 6.0% this year and 3.4% next year. Commercial construction spending is expected to increase by only 1.7% this year before climbing to 4.2% in 2026 while spending on the industrial sector should grow 2.6% this year before contracting by an almost equal amount of 2.5% next year.

The modest outlook for construction spending is partly based on a few expected headwinds to building activity, including potential tariffs on imports from selected countries, as well as the enforcement of stricter immigration policy. The threat of increased tariffs is a major source of concern regarding reigniting inflation. The threatened 25% tariffs on goods imported from Canada and Mexico and an additional 10% tariffs on goods imported from China would be inflationary to the overall economy since they are our three largest trading partners. Also, these tariffs could limit the availability of several materials and products used in construction. Among other products, the industry imports lumber and construction equipment from Canada, cement and

gypsum from Mexico, and furniture, plastics, and electronics from China.

However, perhaps the biggest policy concern for the construction industry is how emerging immigration policy might impact the construction labor force. There are approximately 12 million construction workers nationally, of which about three million are foreign-born. It is estimated that half of these immigrants are undocumented, so it is likely that about one in eight construction workers nationally is undocumented. The concern is not only the potential deportation of undocumented workers but also the chilling effect on potential new immigrants who might otherwise fill construction positions in the coming years.

U.S. Census—Monthly Construction Spending, December 2024



Source: U.S. Census Bureau, February 3, 2025

Total Construction

Construction spending during December 2024 was estimated at a seasonally adjusted annual rate of \$2,192.2 billion, 0.5 percent (± 0.8 percent)* above the revised November estimate of \$2,180.3 billion. The December figure is 4.3 percent (± 1.3 percent) above the December 2023 estimate of \$2,101.3 billion.

The value of construction in 2024 was \$2,154.4 billion, 6.5 percent (± 1.0 percent) above the \$2,023.7 billion spent in 2023.

Private Construction

Spending on private construction was at a seasonally adjusted annual rate of \$1,688.5 billion, 0.9 percent (± 0.5 percent) above the revised November estimate of \$1,674.1 billion. Residential construction was at a seasonally adjusted annual rate of \$939.5 billion in December, 1.5 percent (± 1.3 percent) above the revised November estimate of \$925.5 billion. Nonresidential construction was at a seasonally adjusted annual rate of \$749.0 billion in December,

0.1 percent (± 0.5 percent)* above the revised November estimate of \$748.6 billion.

The value of private construction in 2024 was \$1,661.7 billion, 5.6 percent (± 1.2 percent) above the \$1,573.0 billion spent in 2023. Residential construction in 2024 was \$917.9 billion, 5.9 percent (± 2.1 percent) above the 2023 figure of \$866.9 billion and nonresidential construction was \$743.8 billion, 5.3 percent (± 1.2 percent) above the \$706.1 billion in 2023.

Construction Data & Figures



The Dodge Momentum Index (DMI), issued by Dodge Construction Network, grew 5.6% in January 2025 to 225.7 (2000=100) from the revised December reading of 213.6. Over the month, commercial planning increased 4.2% while institutional planning improved 8.7%.

"Nonresidential planning activity saw diversified growth in January, with every vertical experiencing positive momentum," stated Sarah Martin, associate director of forecasting at Dodge Construction Network. "Uncertainty over fiscal policies, ongoing labor shortages and elevated construction costs will continue to be headwinds to the construction sector. However, further monetary easing and



the sizable number of projects in planning should support construction spending in the back half of the year."

On the commercial side, data center, traditional office building, and warehouse planning led this month's gains. Education and healthcare planning supported the institutional portion, especially on the hospital side. In

January, the DMI was up 26% when compared to year-ago levels. The commercial segment was up 37% from January 2024, while the institutional segment was up 9% over the same period. The influence of data centers on the DMI this year remains substantial. If we remove all data center projects between 2023 and 2025, commercial planning would be up 13% from year-ago levels, and the entire DMI would be up 11%.

A total of 33 projects valued at \$100 million or more entered planning throughout January. The largest commercial projects included the \$500 million Amazon Data Center in Jeffersonville, Ohio, and Phase 1 of the Hunter's Ridge Data Center in McLean, Virginia. The largest institutional projects to enter planning were the \$407 million Memorial Hospital expansion in Colorado Springs, Colorado and the \$300 million AdventHealth Hospital expansion in Parker, Colorado.

The DMI is a monthly measure of the value of nonresidential building projects going into planning, shown to lead construction spending for nonresidential buildings by a full year.



Nonresidential Construction Adds Modest 4,400 Jobs in January

The construction industry added 4,000 jobs on net in January, according to an Associated Builders and Contractors analysis of data released today by the U.S. Bureau of Labor Statistics. On a year-over-year basis, industry employment has increased by 178,000 jobs, an increase of 2.2%.

Nonresidential construction employment increased by 4,400 positions on net, with growth in 2 of the 3 subcategories. Nonresidential specialty trade added the most

jobs, increasing by 5,600 positions, followed by nonresidential building, which added 1,100 jobs. Heavy and civil engineering lost 2,300 jobs last month.

The construction unemployment rate rose to 6.5% in January. Unemployment across all industries decreased from 4.1% in December to 4.0% last month.

"Construction hiring has slowed to a crawl since October, with the industry averaging just 6,000 net new jobs per month," said ABC Chief Economist Anirban Basu. "This is largely a reflection of weakness in the residential sector, which actually lost 200 jobs in January. Given the ongoing effects of high interest rates and the sharp decline in the number of housing units under construction, residential

employment should continue to pull back over the next few quarters.

"Slowing demand for labor on the residential side of the industry could very well benefit nonresidential contractors," said Basu. "Average hourly earnings for construction workers were up 4.1% on a year-over-year basis in January. While that's still fast wage growth by historical standards, it's also the smallest annual increase since 2021. With a majority of contractors expecting to expand their staffing levels over the first half of the year, according to ABC's *Construction Confidence Index*, the availability of workers who would otherwise work on the residential side of the industry should help nonresidential wage growth return to healthier levels."



Source: U.S. Bureau of Labor Statistics

Construction Industry Job Openings and Labor Turnover Data: December 2024

	December 2024	November 2024	December 2023	1-Month Net Change	12-Month Net Change	12-Month % Change
Total						
Job openings	217,000	272,000	434,000	-55,000	-217,000	-50.0%
Hires	301,000	325,000	357,000	-24,000	-56,000	-15.7%
Total separations	279,000	315,000	335,000	-36,000	-56,000	-16.7%
Layoffs & discharges	147,000	144,000	173,000	3,000	-26,000	-15.0%
Quits	117,000	143,000	149,000	-26,000	-32,000	-21.5%
Other separations	15,000	28,000	13,000	-13,000	2,000	15.4%
Rate						
Job openings	2.5%	3.2%	5.1%			
Hires	3.6%	3.9%	4.4%			
Total separations	3.4%	3.8%	4.1%			
Layoffs & discharges	1.8%	1.7%	2.1%			
Quits	1.4%	1.7%	1.8%			
Other separations	0.2%	0.3%	0.2%			

Source: U.S. Bureau of Labor Statistics

Upcoming WEBINARS

Contractor's Right to Stop Work for Nonpayment

WEDNESDAY, MARCH 12, 2025 |
12:00 - 1:00 PM EST

The presentation will focus on the current legislative efforts to get laws passed in Maryland and the status of such laws in other states, as well as efforts to have clauses included in contracts in the absence of such laws.

Presented by:

Troy S. Brown, Esq.



Troy S. Brown, Esq. is a Partner at Albers and Associates, LLC. He has extensive experience in state and federal courts across a

diverse set of practice areas, including Corporate & Business Transactions, Commercial Litigation (including alternative dispute resolution), Construction & Residential Real Estate Law, Intellectual Property, Employment Law, Estate Planning, as well as Gun Trusts, "White Collar" criminal defense, and in matters involving self-defense

[REGISTER HERE](#)

How to use LinkedIn Sales Navigator to Get Warm Introductions from your Network

WEDNESDAY, MARCH 26, 2025
12:00 - 1:00 PM EST

Most professionals either don't use Sales Navigator or waste time on the platform without getting real results. Many Sales Navigator trainers teach methods that require cold outreach, which generates little to no leads and wastes even more time. This workshop will teach you how to use Sales Navigator to get 3-5 warm introductions per week to decision makers or centers of influence using your network. [Learn More](#)

[REGISTER HERE](#)

How To Network To Skyrocket Your Social Capital

WEDNESDAY, JUNE 11, 2025
12:00 - 1:00 PM EST

Networking is a great way to make connections that will drive your business forward. However, many professionals join groups and go to events only to end up with stacks of business cards and a calendar full of calls that go nowhere. This workshop will teach you how to help your connections and be that go-to person in your industry, so you get a return on your time investment. This online workshop will cover the following:

1. Being strategic with your approach
2. Being organized with your contacts
3. Becoming that valued resource
4. Using shared experiences to build relationships

[Learn More](#)

[REGISTER HERE](#)

Both of these webinars are presented by: **Bobby Giurintano**



Born in Long Island and raised in Staten Island, Bobby has two loves, hockey & business. He

always wanted to be a professional hockey player however, he lacked the one key ingredient to make that dream come true...TALENT. His other dream was to build a company that would help companies improve the way they do business. That dream is alive & kicking! Bobby is an avid networker who loves helping his friends achieve their goals. He's also a laughter enthusiast, hockey nut, dog lover (he has a rescue pittie), fitness buff & food aficionado.

THE PROTOCOL POINT



In the professional world, first impressions are formed in an instant, and attire significantly influences those perceptions. While skill and expertise matter, how we present ourselves visually affects how we are received, how confident we feel, and ultimately, how successful we are in our interactions. Dressing with intention isn't just about following a dress code—it's about using attire as a tool to project confidence, establish credibility, and align with our professional aspirations.

The Attire Advantage

by Grace Uwizeye-Allen, CEO Graceful Etiquette



Attire and First Impressions

Whether stepping into a boardroom, attending a networking event, or meeting a client for the first time, appearance speaks before a single word is exchanged. People quickly form judgments about trustworthiness, competence, and confidence within seconds of meeting someone. While we may not always control the assumptions others make, we can guide their perception through intentional choices in dress and presentation.

This isn't about adhering to rigid or outdated fashion rules—it's about recognizing that clothing is a nonverbal form of communication. A polished shoes, or even a thoughtfully selected accessory can communicate attention to detail and self-assurance. Conversely, an outfit that appears unkempt or inappropriate for the setting may unintentionally send signals of carelessness or lack of preparation. By dressing with purpose, we can take control of the narrative and set a positive tone from the start.

One thing to remember—first impressions extend beyond initial meetings. Maintaining a consistent standard of dress reinforces credibility over time. Even in more casual business environments, a polished and put-together appearance signals reliability and professionalism. Whether meeting with new clients or presenting ideas in a team setting, dressing appropriately helps ensure that the message being conveyed is one of confidence and preparedness.

The Power of Dressing the Part

In many industries, there is an unspoken expectation that leaders present themselves in a way that reflects their role. A well-groomed appearance and appropriate attire can reinforce a person's expertise, making it easier for colleagues, clients, and partners to trust in their abilities. Dressing for a professional setting is more than just a superficial concern; it

is a strategic decision that influences how others perceive expertise and leadership. Clothing choices should reflect industry expectations while also allowing room for personal expression.

For example, in corporate environments, a well-fitted blazer or structured dress conveys professionalism, while creative industries may embrace more relaxed but polished attire. The goal is to align one's appearance with the message they want to send.

In high-stakes situations such as negotiations, presentations, or networking events, attire plays an even greater role in reinforcing one's presence. Studies have shown that people subconsciously associate refined, well-dressed individuals with competence and success. This is why professionals who dress in a way that reflects their ambition often find that they are met with more respect, authority, and influence in workplace settings. When individuals feel good in what they wear, they exude confidence, making it easier to command a room, engage in meaningful conversations, and build professional relationships with assurance.

How What We Wear Affects Our Mindset

While attire influences external perceptions, it also has a profound effect on how we feel about ourselves. The act of dressing for a particular role or occasion can create a mental shift, reinforcing the qualities we wish to embody. Our attire can encourage a more authoritative and capable mindset, or maybe even one that's more creative and carefree.

But the connection between attire and mindset can be especially noticeable in high-pressure environments. A carefully chosen outfit can serve as a personal reminder of one's competence and preparedness, subtly reinforcing a sense of control. When we dress in a way that aligns with our goals, we are more likely to

approach challenges with confidence and engage with others in a more assured manner.

Even in remote work settings many professionals report feeling more confident and productive when they dress in work-appropriate attire rather than their pajamas from the night before. Over time, dressing with intention can also influence career progression. Professionals who consistently present themselves with a refined and professional appearance are more likely to attract opportunities, be considered for leadership roles, and earn the trust of colleagues and clients. The impact of attire extends beyond first impressions—it shapes a lasting reputation of confidence and reliability.

Dressing with Purpose

Dressing with intention is more than just following a dress code or conforming to superficial standards—it's a powerful tool for confidence and professional growth. If we can present ourselves in a way that aligns with our ambitions, we can walk into any room with a sense of purpose. So next time you're thinking about what to put on in the morning, consider how you can use your attire to empower your own self-belief and credibility, and push toward success.

About the Author:



Grace Uwizye-Alen is CEO of Graceful Etiquette®, a top etiquette consultancy that offers organizational training in

protocol and business etiquette, communication skills, and professional image development. With over 16 years of experience, we help professionals gain the confidence and skills to succeed in any environment with grace and ease.

FASA LEADERSHIP RETREAT

APRIL 3 - 5, 2025

SCOTTSDALE, ARIZONA



Learn to discover the **motivation** that drives your limiting behavior, which is the ultimate way to transform your life and business. To impact your bottom line and bring sustainable growth to your business, requires you to get to the root of what's behind you not getting what you truly want.

During this retreat, we will discover new ways of achieving what we desire and how to process our reactive emotions to bring emotional intelligence to our daily lives. This is the only way to finally get desired sustainable outcomes with peace and fulfillment.

You will learn . . .

- How to shift to new perspectives and change outcomes that have been driving you bonkers.
- How to get curious instead of defensive when the stakes are high.
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- How to go beyond your reactive emotions that drive your decision-making, and instead get wisdom from them. *This is a core tenet of emotional intelligence!*
- How to find meaning and fulfillment beyond stress and success.

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Agenda

Thursday, April 3	Friday, April 4	Saturday, April 5
6:00 - 8:30 pm Mixer/Ice Breaker followed by dinner at Tommy V's	9:00 am - 12:00 pm Core Content	8:00 am - 12:00 pm Group Hike & Meditation
	12:00 - 1:30 pm Group Lunch	12:00 pm Optional ATV tour (additional cost)
	1:30 - 4:30 pm Core Content	
	4:30 - 6:30 pm Break	
	7:00 - 8:30 pm Group Dinner at Cien Agave Tacos & Tequila	

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FEATURE

Lazy Marketing, Lazy Image!

by Tom Woodcock, Seal the Deal



As I work with contractors all over the United States, I find a condition almost epidemic to our industry, "Lazy Marketing"! This mentality is especially true with smaller business owners. For an industry that works so diligently to build the facilities we work and live in, it truly boggles my mind how half-cocked most marketing efforts are. Now I know I'm a sales guru but any sales individual worth their salt will tell you they need good marketing techniques to grease their path. Effort in any facet of business relates directly to the value placed on that facet. Unfortunately, very little value is placed on a good, solid marketing campaign.

Now I know you're getting hit from all directions from consultants and marketing firms to invest in their great products, services and programs. It can be mind numbing, sorting through the need for social media or jumping to the top of a Google page. My motto has always been to be patient and see what techniques stick and produce, then incorporate them.

I find there are 3 basic reasons most contractors struggle with their marketing plan:

1. **Flat Out Lethargy:** If you don't completely see the value of marketing to your clients you just won't do it. You'll delay, go cheap, or worse, do nothing at all. You feel it's all a waste of time and resources. You can't see any immediate results therefore it isn't necessary. Well, time to become a real business person. Marketing gains you exposure. Most people who call a contractor for the first time have recently seen or been touched by a sales and marketing effort. As good as you think your company's reputation is, if you don't promote that value, far fewer know of that value than you may think.
2. **Fear of Expense:** I've heard of people paying from \$50K-\$100K for a re-branding program. For some reason the term "hoodwinked" comes to

mind! With the advent of electronic marketing, costs have dropped significantly. E-newsletters, e-blasts, social media, and websites have drastically reduced the price of a good campaign. You really don't need to go to a training class to learn their effectiveness. Teach yourself! If you lack creativity, hire someone on a per project basis to help. Or retain a reasonable marketing consultant to run your annual campaigns. Unless you're a super-sized firm you really don't need a full time marketing person to do your e-blasts! Hire the sales and business development person instead.

3. **Lack of Discipline:** This one drives me nuts! Some contractors start doing marketing campaigns, get results and then don't stay consistent with them. What!? I know it's crazy, isn't it?! Any time you garner the attention of potential customers, you're reinforcing your brand. Why wouldn't you want to continue to do that? If "outta sight, outta mind" is true then so is "in sight, in mind"! Does it make sense? Of course it does! Is it really that difficult to have good bid presentation materials, get a newsletter out a whole once a month, keep your website updated, or have a sales slick to put in a potential customer's hand? I'll answer that for you, NO!

We spend a great deal of time helping contractors understand the need for marketing programs and campaigns. They often need a great deal of assistance creating and managing them. But those that are consistent in implementation, get results and swear by them. Not every marketing idea works and some are shams, i.e.: paying for leads, paying to climb to the first page of Google,

and paying someone to manage your LinkedIn account. They are not as time consuming as you may think, and many of the new, proven electronic means are here to stay. Remember 30 years ago when you thought email was a fad? What do you think of it now? Your clients that are between 25 - 35 years old are communicating digitally. Are you marketing aggressively there? Or are you more worried about wasting a client's time or filling their email queue?

If 70% of people delete electronic newsletters, that means 30% don't! If you send one to 2,000 targets or existing customers, it means you have 600 readers a month! Tell me another way to get the attention of 600 qualified targets a month! The Midwest is still significantly lagging in this area as compared to the coasts and major metropolitan areas in Texas. Yes, I said Texas. Even though we have all the same resources they have available to us. You can develop an image as good as some of the highest profile companies in the world for a fraction of the costs. People trust professionalism, and obviously distrust non-professionalism. Look, if you're in one of the above categories - change it now. You're not too late. As a matter of fact, in the construction industry, you're still ahead of the curve!

About the Author:

Tom Woodcock knows sales! With over 20 years of sales and sales management experience, Tom has mastered the art of negotiation, increasing corporate revenues, team building, and driving profitability through sales restructuring. Tom has led workshops at ASA's national convention, SUBExcel several times, and continues to inspire and excite his audiences.



FEATURE

Aiming to Be a Best-in-class Contractor? Start by Looking at a Supplemental Application

by William Burke, Risk Strategies Company

An insurance supplemental application is dreaded by agents and contractors alike. Most people involved with commercial insurance placements have completed a “supp app” as many call them. They are long, confusing, required and therefore synonymous with ‘punishment.’ But for contractors wise enough to take a step back, they offer useful advice.

Supp apps offer incredible insight beyond what an underwriter likes or doesn’t like about a business. They can actually give the applicant invaluable clues into what can cause a catastrophic loss to a 3rd party or to the applicant’s business – which typically go hand in hand. Let’s take a look at some examples of questions found on various supp app and see what we can learn from them. Below are questions taken directly from an Artisan Contractors Supplemental Application.

- Does the applicant have the following contract management controls in place:
 - Legal counsel has reviewed contract language within the last three years? Yes / No
 - Applicant requires certificate of insurance and has suspense system for tracking? Yes / No
 - Applicant requires a listing of all endorsements on the certificate? Yes / No
 - Applicant obtains copies of additional insured endorsements? Yes / No
 - Applicant maintains project files with contracts, certificates, and additional insured endorsements? Yes / No
 - Applicant requires copies of subcontractors’ insurance policies be available upon request? Yes / No

It’s not uncommon for subcontractors to also have their own subcontractors. Many small and emerging contractors lack the resources to hire an attorney to review construction documents. While insurance brokers and insurers can help bridge this gap, a contractor’s broker typically cannot provide legal counsel beyond insurance requirements and indemnity agreements.

Investing in legal guidance upfront can save thousands in the long run. Additionally, tracking Certificates of Insurance (COIs) is essential for coverage and audits. Go a step further by obtaining subcontractors’ additional insured endorsements—policies vary, and gaps in coverage can be costly. Identifying and addressing these gaps before work begins can protect both the contractor’s insurance, balance sheet, and peace of mind.



- Is the applicant involved in any third-party design, consulting, project management, or inspection?
Yes / No, Explain.
- Does the applicant have a professional liability or contractor's errors & omissions policy in place?
Yes / No

The conversation about whether or not a contractor should carry contractor's E&O insurance is always a tricky one to navigate. Even if the contractor is farming out the design responsibilities, this does not always alleviate it from a professional obligation. Another claim scenario can fall under a contractor's faulty workmanship, which is rarely covered by the general liability policy. While these policies are not always the cheapest, an E&O policy can be a stand-alone 'professional' liability policy or as a 'faulty workmanship' policy bought through the general liability carrier. Further, E&O coverage could save a specialty contractor's performance bond (when required), if the contractor caused damage to the project or its own work. Settling the score with an E&O carrier is easier than trying the same with a surety.

- Are Motor Vehicle Records (MVRs) checked annually on all employees?
Yes / No
- What constitutes an unacceptable MVR for your company, explain?

As of late, commercial auto insurance (even personal auto insurance) has been a losing line of business for every carrier out there. Rates are not going down and carriers are taking drastic measures to not only price the risk appropriately but also push insureds to think long and hard about their fleet safety programs. These two questions get to the core of what makes a contractor's fleet program successful. The contractor, with the help of its insurance broker, needs to create checks and balances of how the business vets its employees. The days of having anybody that can fog a mirror being able to drive a vehicle are gone. Carriers expect the contractor to be proactive in not only running employee MVRs regularly but also having its own criteria of who can drive their most dangerous piece of equipment – the pickup truck. Contractors must ensure these criteria are not only enforceable but also practical for

the business to implement and maintain.

Found in a Welding Operations Supplemental Application:

- Are fire extinguishers taken to each job site? Yes / No
- Are first aid kits taken to each job site?
Yes / No

Describe your site preparation, job monitoring, and post-work fire watch and mitigation procedures.

Like any specialty trade, welders and welding operations pose particular risks of their own. For example, fires caused by welding a pipe-fence in the middle of nowhere can start in an instant and spread at once through the dry vegetation. It would absolutely be a best practice to have a spotter with a fire extinguisher in hand while the welder performs the work. Intentionally thinking through the risk can save hundreds of hours and thousands of dollars.

Found in a Management Liability Supplemental Application (Crime, Cyber):

- Does the applicant allow employees who reconcile the monthly bank statements to also:
 - Sign checks? Yes / No
 - Handle Deposits? Yes / No
 - Have access to check signing machines or signature plates?
Yes / No

It's not often the case that a contractor has extra money lying around to make up for a monetary loss. The majority of white-collar crimes are committed by trusted employees who have the freedom to move money with little to no oversight. Best-in-class contractors ensure there are checks and balances when managing money. The contractor's CPA and banker can offer invaluable aid in setting up proper procedures.

- Do you have a written disaster recovery plan that includes procedures to be followed if a disruptive computer or network incident occurs? Yes / No

Information Technology is not usually a strong suit of many business owners. Best-in-class contractors engage their IT provider regularly to ensure system networks are running with limited deficiencies. The provider can also help create validated procedures if a network

breach occurs. Similarly, the contractor's broker or underwriter can supply valuable resources.

Found in the National Association of Surety Bond Producers Contractor Questionnaire:

- Does the contractor have membership affiliations with:
 - AGC
 - ASA
 - ABC
 - CFMA

While being part of a trade association does not equate to being a best-in-class contractor, it can certainly help get owners and key employees connected with other like-minded, driven, and often successful businesses. Plus, these associations provide free training of all types with invaluable networking opportunities. Associating oneself and the business with reputable construction firms very seldom hurts the contractor's bottom line.

The above examples are a sliver of what a contractor can learn from insurance and surety applications. Although most supp app questions require a "Yes/No" response, the underwriter is actually trying to find out if the applicant/contractor is focused on true "risk management". No doubt, it takes time to implement certain best-in-class policies and procedures. By consistently taking proactive steps to strengthen and safeguard the business, contractors can become virtually bulletproof—ready to face any unforeseen challenge head-on.

About the Author

William Burke is a Senior Vice President at Risk Strategies Company, where he specializes in construction insurance and contract surety. He received his BA from the University of Denver and proudly served in the United States Navy for five years. Along with being actively involved in ASA affairs, currently serving as the Vice-President for the ASA-New Mexico Chapter, Will is the President of El Paso's CFMA chapter, and is a member of the National Association of Surety Bond Producers. William keeps busy with his wife and two young daughters while occasionally finding time to mountain bike and golf.

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FEATURE

Survival Strategies for Small Subcontractors in a Big-Project World

by Patrick Hogan, handle.com



Small subcontractors face a unique challenge in large commercial construction projects—big opportunities come with big risks. Long payment cycles, retainage withholding, and contract terms designed to protect general contractors and developers can make cash flow unpredictable.

Without a solid strategy for managing payments, small businesses can quickly find themselves struggling to cover payroll, materials, and other expenses. The key to survival isn't just winning more work—it's ensuring that payments come in reliably and on time.

The Big-Project Dilemma for Small Businesses

Working on a large commercial project means navigating complex payment structures that don't always favor small subcontractors. Many projects have net 60, 90, or even 120-day payment terms, making it difficult for smaller businesses to keep operations running smoothly. Retainage—where 5-10% of each invoice is withheld until project completion—further squeezes cash flow. Additionally, pay-when-paid clauses shift the risk of non-payment onto subcontractors, leaving them in limbo if the GC hasn't been paid. These challenges make it

critical for small subcontractors to take a proactive approach to protecting their payments.

Once a contract is signed, subcontractors have little leverage to renegotiate terms, so due diligence beforehand is crucial. Reviewing the GC's payment history and reputation can provide insight into potential risks. If a GC has a track record of delaying payments, subcontractors should negotiate stricter payment schedules or ensure lien rights are firmly in place. Too often, small businesses take on large projects without fully considering how extended payment terms will impact

their cash flow, leading to financial strain that could have been avoided with better planning.

Payment Protection 101: What Small Subs Must Get Right

Contract terms set the tone for payment security, and small businesses can't afford to overlook the details. Pay-when-paid clauses may be unavoidable in commercial projects, but understanding how they work ensures subcontractors aren't caught off guard. Change order policies should also be clearly defined—many subs lose money on unpaid extra work simply because they didn't follow the right approval process. Negotiating retainage terms can also provide relief; some owners allow phased retainage releases rather than withholding the full amount until project completion.

Lien rights are the strongest tool subcontractors have to ensure payment—but only if they follow the rules. Many states require preliminary notices before a subcontractor can even file a mechanics lien, and missing these deadlines can mean losing lien rights entirely. Owners and GCs often delay payments, hoping subs will either miss the deadline or hesitate to file a lien. A structured lien and notice management process ensures that small businesses maintain their right to pursue payment if delays occur.

Tracking lien deadlines manually leaves too much room for error, especially when juggling multiple projects. Many small subcontractors assume they won't need to file a lien and fail to send notices on time. By the time a payment issue arises, their options are limited. Using a *lien management platform* ensures deadlines are met, lien waivers are issued correctly, and all compliance documents are in order. Subcontractors who treat lien rights as a routine part of business—not a last resort—are far less likely to suffer major payment delays.

Technology can make payment compliance easier, especially for small

businesses with limited administrative support. Automated lien notice tracking, digital waiver management, and payment monitoring tools can help subcontractors avoid common compliance mistakes. A system that tracks deadlines, manages paperwork, and provides visibility into payment statuses reduces administrative burden and minimizes the risk of non-payment. Large contractors have entire teams dedicated to compliance—small businesses need to level the playing field with smart tools.

Even beyond lien rights, documentation plays a major role in getting paid. Small subcontractors that rely on verbal agreements, incomplete invoices, or disorganized record keeping are at a higher risk of disputes. Every invoice should reference the contract, include all necessary backup documentation, and be submitted according to the GC's specified process. Some subcontractors delay sending invoices because they're waiting on internal approvals or documentation—this only extends the payment timeline further. The sooner invoices are sent, the sooner the payment clock starts.

Balancing Risk and Growth: Smart Credit Strategies for Small Subs

Growth should be strategic, not reckless, and small subcontractors need to balance opportunity with financial stability. Before taking on a large contract, subcontractors should evaluate the GC's payment history, review their creditworthiness, and understand how they typically handle subcontractor payments. If a GC has a reputation for slow payments or withholding change orders, it may be better to negotiate more favorable terms or walk away.

Negotiating payment terms is just as important as negotiating contract scope. If possible, small subcontractors should push for partial upfront payments or more frequent progress payments to prevent cash flow bottlenecks. GCs often request extended payment terms to manage their own finances, but small

businesses must assess whether the risk is worth it. Extending credit to a slow-paying GC without clear protections in place can leave a subcontractor in a dangerous financial position.

Subcontractors should also be mindful of overextending themselves. Rapid growth is appealing, but taking on too many projects with slow-paying GCs can create financial strain. Some small businesses take on additional debt to cover cash flow gaps, only to find themselves in a cycle of chasing payments while managing rising interest costs. A well-structured credit policy can help prevent this by ensuring that every project meets specific financial criteria before moving forward.

Competing and Growing

For small subcontractors, the biggest risk in working on large commercial projects isn't the complexity of the work—it's the uncertainty of getting paid.

Long payment cycles, retainage, and contract loopholes put financial strain on businesses that don't have the reserves to absorb delays. By understanding contract terms, securing lien rights, and using compliance tools to track payments, small businesses can protect their cash flow and reduce their risk. The subcontractors who succeed in a big-project world aren't necessarily the ones who take on the most work—they're the ones who make sure they get paid for every job they take.

About the Author:



Patrick Hogan is the CEO of handle.com, where they build software that powers the largest credit teams in construction.

Handle is the new approach to construction payments and lien management, optimizing workflows to increase all credit and finance efficiency.



FEATURE

Big Ideas for Small Business Success in Certified Payroll

by Jack Biltis, eBacon



Navigating certified payroll can feel overwhelming for small construction businesses, especially when pursuing government-funded projects. However, with the right strategies and tools, subcontractors and specialty trade contractors can simplify compliance while unlocking the benefits of lucrative government contracts.

This article explores the essentials of certified payroll, common challenges faced by small businesses, and actionable strategies to thrive in the competitive construction landscape.

What Is Certified Payroll and Why Does It Matter?

Certified payroll is a reporting system required for contractors and subcontractors working on federally funded construction projects covered by the Davis-Bacon Act. It ensures employees are paid prevailing wages and fringe benefits as determined by the Department of Labor (DOL).

For small businesses, compliance with certified payroll regulations may seem daunting. However, meeting these requirements opens doors to reliable work, faster payments, and a reputation for excellence in the industry.

Breaking Down the Certified Payroll Process

The certified payroll process can be streamlined into manageable steps. Before starting a project, obtain the prevailing wage determinations for each job classification required on the project. These rates are set by the DOL and depend on location and job type.

1. Classification: Ensure employees are correctly classified based on their job responsibilities. Proper classification helps avoid wage disputes and ensures compliance with DOL regulations.

2. **Hours:** Record all hours worked by employees, including regular time, overtime, and fringe benefits earned. Accurate tracking reduces errors in reporting and helps avoid penalties.
3. **Reporting:** Certified payroll reports must be prepared weekly. These include detailed information on employee wages, hours worked, and fringe benefits. Using payroll management software can simplify this process by automating calculations and ensuring accuracy.
4. **Deadlines:** Submit the certified payroll reports to the awarding agency by the deadline. Timely submissions prevent payment delays and demonstrate professionalism.

Common Challenges and How to Overcome Them

Small businesses face unique challenges when managing certified payroll, especially with limited staff and resources. Compliance often requires meticulous attention to detail, which can be overwhelming for smaller teams. A construction-specific digital payroll management system is a game-changer in this area. These systems automate critical tasks such as compliance checks, wage calculations, and reporting processes, drastically reducing the risk of human error and saving valuable time. By streamlining these operations, small businesses can focus on their core responsibilities without compromising accuracy or compliance.

Another common hurdle is the misclassification of employees. Misclassifications can lead to costly penalties and disputes, especially when workers are paid incorrectly under prevailing wage laws. To avoid this, it's crucial to stay informed about Department of Labor (DOL) job classifications. Regularly review and update job descriptions to reflect employees' specific roles and responsibilities. This ensures workers are categorized accurately and compensated in line with applicable regulations.

Late submissions of certified payroll reports pose another significant risk, often resulting in payment delays or

even penalties. Timeliness is critical in government contracting. To address this, consider using payroll software with built-in deadline tracking features. These tools can provide automated reminders and alerts, ensuring that reports are submitted on time and in compliance with DOL requirements. For small businesses, proactive planning and the adoption of reliable systems can transform certified payroll from a challenge into an opportunity for growth and success.

Advantages of Certified Payroll for Small Businesses

While certified payroll introduces an additional layer of work, it offers tangible benefits:

1. **Access to Government Contracts—** Compliance with certified payroll enables small businesses to bid for federally funded projects, creating a stable pipeline of work.
2. **Improved Financial Predictability—** Government contracts typically ensure reliable, weekly payments based on certified payroll reports, aiding in cash flow management.
3. **Attracting Top Talent—** Offering prevailing wages and benefits makes your business appealing to skilled workers, helping you build a reliable and competitive team.

Tools and Strategies for Simplifying Certified Payroll

Effective management of certified payroll starts with adopting the right tools and practices. Construction-specific payroll software automates compliance, calculates wages accurately, and generates certified payroll reports that meet DOL standards. It eliminates the need for manual calculations, reducing the risk of errors.

For small teams, outsourcing certified payroll to specialists can be a cost-effective solution. Payroll providers experienced in construction projects can handle the complexities, allowing you to focus on other aspects of your business.

Regulations change frequently. Stay informed by subscribing to DOL

updates, attending industry seminars, and consulting legal or tax advisors specializing in construction.

Avoiding Costly Mistakes

Understanding common pitfalls in certified payroll management can save your business time and money.

Inaccurate Wage Calculations

Double-check prevailing wage determinations and use reliable software to avoid miscalculations.

Missing Documentation

Keep all employee records, timecards, and proof of fringe benefit payments organized and accessible.

Procrastination in Report Submissions

Avoid delays by setting up automated reminders for weekly report deadlines.

Embracing Compliance for Long-Term Success

Certified payroll may initially seem burdensome, but it's an essential part of thriving in the government construction sector. By streamlining the process with software, staying informed about regulations, and fostering a culture of accuracy, small businesses can overcome challenges and seize opportunities.

Compliance isn't just about meeting legal obligations; it's about building a reputation for reliability and professionalism. As subcontractors and specialty trade contractors embrace certified payroll processes, they position themselves for growth and long-term success.

About the Author

Jack Biltis is the co-founder of eBacon, bringing over 20 years of experience in payroll, insurance, and administrative services. At eBacon, a leading construction payroll software company, Jack focuses on innovative technologies that help businesses streamline workforce management operations and improve profitability. Learn more at eBacon.com.

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President Trump's Initial Immigration Actions and Potential Impacts on Employers

by Rebecca A. Winterscheidt, James P. Melendres, Benjamin A. Nucci, Jessica Van Ranken, and Courtney Moore, Snell & Wilmer



Within the first few hours of his second presidential term, President Trump signed several new executive orders and rescinded many Biden administration executive orders concerning immigration. These orders, particularly those involving heightened scrutiny towards visa applications, will impact employers who employ or intend to hire workers who require sponsorship. Below is an overview of four of President Trump's initial executive orders impacting United States immigration law.

Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats¹

This executive order directs federal agencies to engage in enhanced vetting and screening when issuing visas and determining the admissibility of visa applicants. It requires the U.S. Department of State and U.S. Department of Homeland Security to "vet and screen to the maximum degree possible all aliens who intend to be

admitted, enter, or are already inside the United States, particularly those aliens coming from regions or nations with identified security risks." Enhanced vetting of visas will likely result in delays for applicants at consulates and when applying for visas through U.S. Citizenship and Immigration Services (USCIS), due to more intensive scrutiny over applications.

Further, the order signals potential bans on admissibility aimed at particular countries, by requiring the Secretary of State, Attorney General, Secretary of

Homeland Security, and the Director of National Intelligence to issue a report within 60 days of the order “identifying countries throughout the world for which vetting and screening information is so deficient as to warrant a partial or full suspension on the admission of nationals from those countries pursuant to section 212(f) of the INA (8 U.S.C. 1182(f)).” It remains to be seen which countries will be identified in such a report, but its issuance could lead to individuals from certain countries being barred from obtaining visas in the United States.

Protecting the Meaning and Value of American Citizenship²

President Trump signed an executive order attempting to limit birthright citizenship in the United States. For children born after February 19, 2025, the order would deny citizenship to (a) a child whose mother is unlawfully present in the United States and whose father is not a citizen or lawful permanent resident at the time of the child’s birth and (b) a child whose mother is lawfully, but temporarily, in the United States (in a status such as B-1/B-2, F-1, H-1B, L-1, TN, O-1, or P-1), and the father is not a citizen or lawful permanent resident. On January 23, 2025, the U.S. District Court for the Western District of Washington issued a Temporary Restraining Order enjoining the implementation of this Executive Order for 14 days.

America First Trade Policy³

This executive order directs government agencies to reassess existing trade policy, which could result in updates to eligibility and requirements for TN visas. Canadian and Mexican workers use TN visas to enter the United States to work qualified professional occupations. This order mandates the United States trade representative to “assess the impact of the USMCA on American workers, farmers, ranchers, service providers, and other businesses and make recommendations regarding

the United States’ participation in the agreement.” There is concern that this order could lead to shifts in TN policy, such as a stricter interpretation of job categories and qualifications.

Executive Order Protecting the American People Against Invasion⁴

In this order, President Trump has instructed the federal government to prioritize prosecution of criminal offenses concerning the unauthorized entry or presence of foreign nationals in the United States. The order references the expansion of additional detention facilities; requiring undocumented individuals to register their presence; and creating a federal Homeland Security Task Force in states to coordinate enforcement priorities.

The order also commits to ensuring the assessment and collection of fines and penalties from foreign nationals unlawfully present in the United States and from “those who facilitate such aliens’ presence in the United States.” It is possible that this order may be relied upon to fine and penalize employers who with or without knowledge employ unlawfully present individuals.

Additionally, this order requires the U.S. Department of Homeland Security to restrict sanctuary cities’ access to federal funds, and to evaluate criminal or civil penalties for sanctuary city jurisdictions.

Takeaways

Snell & Wilmer will continue to monitor immigration-related updates from the Trump administration. These executive orders and other actions from President Trump are expected to have a significant impact on employers’ sponsorship of foreign nationals. As was signaled pre-inauguration, the administration is focused on identifying and taking action against unlawfully present individuals, in part by targeting workforces that rely on foreign national employees.

Make sure your company is compliant with all federal regulations, including

Form I-9 requirements. Consider auditing existing Form I-9s prior to receiving a Notice of Inspection as a proactive means of mitigating potential exposure. Also consider establishing a protocol for how your organization will handle any notice that your workplace will be inspected by the federal government. Experienced counsel can help advise you on how to minimize risk and respond to time-sensitive immigration issues that may arise.

Footnotes

1. <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-united-states-from-foreign-terrorists-and-othenational-security-and-public-safety-threats/>
2. <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-meaning-and-value-of-american-citizenship/>
3. <https://www.whitehouse.gov/presidential-actions/2025/01/america-first-trade-policy/>
4. <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>

About Snell & Wilmer

Founded in 1938, Snell & Wilmer is a full-service business law firm with more than 500 attorneys practicing in 16 locations throughout the United States and in Mexico, including Los Angeles, Orange County and San Diego, California; Phoenix and Tucson, Arizona; Denver, Colorado; Washington, D.C.; Boise, Idaho; Las Vegas and Reno, Nevada; Albuquerque, New Mexico; Portland, Oregon; Dallas, Texas; Salt Lake City, Utah; Seattle, Washington; and Los Cabos, Mexico. The firm represents clients ranging from large, publicly traded corporations to small businesses, individuals and entrepreneurs. This article originally appeared on Snell & Wilmer’s website. It is reprinted with permission. For more information, visit swlaw.com.



FEATURE

Quantum Physics and Other Light Construction Thinking

Utilizing conceptual theories as a reflection for construction leadership

by Gregg M. Schoppman, FMI Corp

Call it inspiration from the *Three Body Problem*. Call it a moment of deep thinking. Call it watching an episode of "Big Bang Theory" masked as deep thinking. There are countless theorems, hypotheses and universal laws that canvas the scientific world. Everyone has seen the memes or brilliant pearls of wisdom on social media that attempt to force the reader to think bigger.

Recently, there was a reference to Occam's Razor. The casual viewer might have thought it was for the latest subscription for shaving accessories. Also referred to as the "Law of Parsimony," it simply postulates that the simplest explanation for things is preferable to the more complex. For instance, as you lay in bed, you hear the patter

of feet on your roof. Is it that pesky reindeer herd making another trip or more simply those raccoons that plague the neighborhood?

The simplest answer is more than likely the right answer. There is no shortage of "razors," a name of which is drawn from the concept of shaving away details to lead to a conclusion. Razors and theorems abound in the world of physics and have a tendency to stretch one's mind to the point of breaking. However, these same treatises can be applied to the world of construction, albeit with a little more fun mixed in.

Occam's Razor

"It is futile to do with more what can be done with fewer." William of Ockham may have been a construction leader, even in the 14th century. His razor was simply an expression of how individuals over-complicate things or over rationalize. Consider a contractor that is losing money, year after year. It's the market, it's the weather, it's the people, it's the customers. It's some supernatural phenomena and confluence of forces creating a vortex of



unprofitability... No, it's you. Sure, there are bad markets, tough markets and bad weather. How come in those same markets, there are winners? Great construction leaders need to revert back to the fundamental answer of how their role within organizations is being executed to set and act upon a strategic plan that has follow-through, rather than random chance encounters that may only have a tangential impact on performance.

Schrödinger's Cat

Watch out animal lovers – this is going to sting a little. Erwin Schrödinger was a Nobel prize winning physicist, and he developed a particularly unusual theorem. Consider a cat in a box with some sort of insidious device, say a toxin or nuclear material that will eventually, ahem, end the cat. When the box is closed with the material, Schrödinger postulated that the cat is both alive and dead simultaneously UNTIL the box is open for verification. This is a deep concept within the realm of quantum physics that this author barely can identify with. However, there are plenty of examples of Schrödinger's Construction Projects that exist in this world. Riddle me this:

- How can a construction team be both PROFITABLE and yet UNPRODUCTIVE at the same time?
- How can a construction project be profitable but generate no cash?
- How can a project have the best team but still fail to be successful?

Whether it is superior crew performance/estimating errors in Case #1, a project that checks all of the boxes on purchasing and management but fails on collections in Case #2, or the complete misalignment of a project team with inferior communication in Case #3, the cat is definitely out of the bag. When Occam's Razor is applied to Schrödinger's Cat – which sounds

particularly horrible – there are often firm-wide systemic failures that lead to misrepresentations, miscommunication and most importantly two parallel conditions that seem at odds with one another.

Borel's Monkeys

Emile Borel in 1913 may have defined the ultimate machine of inefficiency or simply coined the phrase, "Even a broken clock works twice a day." Borel stated that if you have an infinite group of monkeys typing on typewriters (remember this was in the 1900's, millennials), that group will eventually produce a document on par with Shakespeare. This mathematical concept seems farfetched, but contractors engage in this insanity too often. Consider the following:

- Law of Diminishing Returns – While not in the same vein as Borel, there is a law that states that simply adding resources will have a deleterious impact to output. For instance, take an infinite crew and see if the output goes up or down. Borel's monkeys had infinite space whereas most construction sites do not.
- Failure to Pivot, Adjust, etc. – Sure, Borel's monkeys finally wrote the amazing sonnet. How long did it take? Could Monkey Construction have adjusted its strategic logic sooner rather than later before it landed the plane?

Unlike Borel, construction is a finite resource game played as Simon Sinek describes on an infinite timetable. Time is not on any contractor's side, whether it is on the project level or the enterprise level.

Ship of Theseus

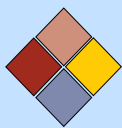
Hoping for a Golden Fleece were you? More likely a business will find the Minotaur amongst the swampy

wastelands. The concept of the "Ship Thesis" is this – according to Plutarch, Theseus's ship was maintained by replacing one board at a time. As a board would rot, the ship's facility manager would replace it with a new board. Eventually, every board would be replaced on Theseus' ship leading to the question – is it Theseus' original ship or a new ship entirely? Sure, this sounds like some buildings that contractors work in, constantly doing "tenant improvements" over and over. The real theme is identity. Leaders within firms need to evolve. Reflect on Occam's Razor. Assuming things aren't working, change is inevitable. Sometimes that change means individuals change, models change, markets change, delivery systems change. Does that mean Brand X Construction is not the same business or simply reconstructed, one person/ software/etc. at a time? In this case, firms must evolve or end up looking like a gaggle of monkeys.

To simplify the construction universe, these reinterpretations may have done the opposite. There are rarely philosophers or physicists contemplating the construction universe one brick at a time, but sometimes it comes down to the easiest solution. Spoiler alert – the cat lived.

About the Author

FMI is the largest provider of management consulting, investment banking, and research to the engineering and construction industry. FMI works in all segments of the industry providing clients with value-added business solutions. For more information visit www.fminet.com or contact gschoppman@fminet.com.



FEATURE

Free Resources to Help You Succeed

by LegalZoom

You may have heard that a third of all new businesses fail within the first two years. For the most part, these failures aren't due to the economy or other factors beyond their owners' control. Instead, businesses typically fail because of problems that might have been avoided with better advice and education. These include: insufficient planning, poor management, lack of experience, and underestimating the competition. Good business advice can save your small business, and it doesn't have to cost you a fortune. Here are six free or low-cost ways to get top-notch business help.

1. The U.S. Small Business Administration

The *U.S. Small Business Administration* (SBA) operates district offices in all 50 states. The district office can advise you on SBA financing programs and connect you with other resources, including advising and resources for minority-owned businesses through the Minority Enterprise Development Program and advising for women business owners through Women's Business Ownership Representatives. The SBA also provides funding for SCORE and Small Business Development Centers.

2. SCORE

SCORE has been around for 50 years, offering free business mentoring by volunteers with real-world business experience. SCORE also provides free and low-cost educational programs for small business owners. SCORE's mentors come from a wide range of industries and backgrounds. You can request a mentor based on industry, location, or expertise, or you can ask SCORE to match you with someone. You can meet with your mentor online or at one of SCORE's 300 offices nationwide. Mentors may direct you to other resources, work with you to set

goals, and help you learn to make better business decisions.

3. Small Business Development Centers

Located throughout the United States, Small Business Development Centers (SBDCs) offer free advisory services to aspiring entrepreneurs and small business owners. They also have an array of low-cost training programs on topics such as business plan development, finances, marketing, procurement, and the basic nuts and bolts of starting and running a small business.

4. Trade groups in your industry

There's a trade group or association for almost every kind of business, whether you operate a brick-and-mortar store or create apps in your basement. Many trade groups (like ASA!) have free resources on their websites - including this educational journal, ranging from informational articles, to how-to guides, to templates for commonly used documents. ASA has negotiating tips, legal forms, and other helpful information for members - not to mention webinars and chapter events to help you succeed. For more resources, consider investing in a membership. Depending on the trade group, your annual membership fee may give you access to educational materials, seminars, mentoring, and online forums where you can ask questions and get responses from people with businesses like yours. Your trade group may have local chapters that offer seminars and networking opportunities, or an annual conference that will give you access to seminars and an opportunity to talk to similar business owners face to face.

5. BusinessAdvising.org

BusinessAdvising.org is a nonprofit that provides free mentoring to small businesses through a network of

volunteer advisors. These advisors include experienced entrepreneurs and senior executives at banks, consulting firms, and Fortune 500 companies in dozens of industries. Business owners are matched with a mentor after filling out a questionnaire. BusinessAdvising.org's mission is to help small businesses grow, so they can create jobs in economically underserved communities or rural areas. It aims to help businesses that have been operating for at least a year and share this goal or have a compelling social purpose.

6. Your local public library

It may sound quaint, but your neighborhood library is chock full of useful resources for entrepreneurs. Practical business guides can take you through everything from writing a business plan to using social media for marketing. Books like the "Dummies" series can systematically take you through a complex topic and make it easy to understand. Libraries are also a good resource for inspirational business books that will help you adopt an entrepreneurial mindset or hone your management skills. And your reference librarian may be able to point you to resources for researching competitors, demographics, trade groups, or potential locations. While it's not easy becoming a successful small business owner, you don't have to go it alone. Take advantage of free and low-cost community and online resources, and you can receive solid advice and a useful education at a bargain price.

7. Your local Chamber of Commerce or Economic Development Center

Many counties and small towns have groups to help you network and get the resources you need locally. It benefits everyone in the community to help each other.

SOCIAL MEDIA NEWS YOU CAN USE



Up 36% over the last year, video on LinkedIn is booming. The time to create is now

Thirty-six percent growth over the last year is just the start — and it's fueled by members like you creating great videos. So we're going to continue making it more rewarding to share your knowledge, expertise, and stories via videos on LinkedIn. Here's a quick roundup of some of the latest features the team has released to make that happen... and there's a lot more to come soon!

New ways for viewers to discover and dive into your videos

We know that video creation is not the easiest task — so we're working hard to have the videos you publish get noticed, get seen, and get you the success you're looking for.

It starts with our new full-screen experience for vertical video on mobile, which we rolled out last summer. Viewers can access it by tapping any video in the feed and then swiping through to watch more professional content — learn more in [this post from Jake Poses](#). We also started experimenting with new ways to discover video across LinkedIn, including the video tab on mobile, and our 'Videos For You' module in the feed.

NEWS: YouTube Releases Shorts Text-to-Speech on iOS, Updates Profile Cards

YouTube has expanded its text-to-speech feature for Shorts to iOS devices, after initially launching on Android. This tool lets creators add automated voice narration

to their short-form videos, with four voice options available. They can also control when text appears visually. Additionally, YouTube Studio mobile is getting a visual refresh to profile cards while maintaining existing functionality.

For marketers, this update provides new opportunities for efficient content creation and accessibility, particularly for those looking to scale their short-form video production without recording voice-overs.

YouTube TV Viewing Surpasses Mobile, Signaling Major Shift in Video Consumption Habits

According to YouTube CEO Neal Mohan, TV screens are now the primary way people watch YouTube content, surpassing mobile viewing for the first time. This represents a significant shift in consumer behavior, with over 1 billion hours of YouTube content watched on TV screens daily.

For marketers, this trend indicates the blurring lines between traditional TV and digital video content. It suggests a need to optimize video content for larger screens and longer viewing sessions, while considering the "lean-back" viewing experience typical of TV watching.

Threads Outperforms X in Engagement Rates, Presenting New Opportunity for Marketers

According to new data from Buffer, Threads is showing 73.6% higher

engagement rates compared to X (formerly Twitter). With 320 million active users and growing, Threads is gaining significant traction. Already, 53% of marketers are posting on Threads, with another 23% planning to join this year.

While X still claims 570 million monthly users, Threads' increasing engagement rates suggest it's becoming a viable alternative for brands seeking organic reach, especially as X moves toward a pay-to-play model.

Threads is now up to [320 million active users](#), and is gaining growth momentum, while Meta CEO Mark Zuckerberg recently reiterated his view that it will soon become [the next billion-user app](#).

Which still seems like a big jump, but the data doesn't lie, and as conversation continues to grow the app, more and more people are paying attention.

Which means that marketers, too, are taking note.

Indeed, according to the most recent [Sprout Social Pulse Survey](#), 53% of marketers are now posting to Threads, with an additional 23% looking to establish a Threads presence this year.

The Oldest Company in Each State That's Still Running Today

Something Different

If running a business is hard, keeping that business going for more than a century is almost impossible. According to the Bureau of Labor Statistics, only 15% of businesses make it one decade. 20% don't even last a year. Yet, in every state, there are notable exceptions that have defied the odds.

- Shirley Plantation is the oldest company in the US, founded in Virginia in 1613, 163 years before the United States was a country.
- The four oldest businesses are all farms- which makes sense, they'd hardly be software companies, right?
- In order to survive the test of time, many companies have undergone dramatic evolutions. For example, Ducommun was founded in 1849 in California started out as a hardware store and is now an aerospace company. Maybe in 200 years, they'll be a time travel company.
- The oldest businesses still running today span a variety of industries- from farms, general stores, and restaurants to even a marble company.
- A surprising number of the oldest businesses were frequented or even owned by pirates.

Are you familiar with the oldest company in your state?





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The bottom of the page features a white background with a light gray grid pattern. Large black gear silhouettes are positioned on the left and right sides, framing the central text.