



## ASA 2022 Advocacy Accomplishments

**State Chapter Visits:** ASA Government Relations Director Mike Oscar visited in person or met virtually with the following Chapters:

- Carolinas (Charleston and Midlands)
- Central PA
- Southwest Florida
- Utah
- Colorado
- Michigan
- ASA North Texas
- ASA of California
- Houston
- Kansas
- Mississippi

### Recently Enacted Laws impacting ASA

- Inflation Reduction Act of 2022 signed into law, August 22, 2022.
  - \$3.45 Trillion in energy and climate programs
- The CHIPS and Science Act of 2022 signed into law August 9, 2022 (semiconductors and scientific research)
- Oceans Shipping Reform Act signed into law on June 16, 2022 (ports' supply chain issues)
- Implementation of the Infrastructure Investment Jobs Act (IIJA) signed into law on November 15, 2021.

### 2022 Legislative Priorities

- H.R. 8273, the “Small Business Payment Performance Act” (ASA drafted legislation)
  - On July 14, 2022, the House included H.R. 8273 in the FY23 National Defense Authorization Act (NDAA)
- PRICE Act (ASA and AGC drafted legislation)
- Opposition to Federal Gas Tax Holiday
- Infrastructure Package Implementation
- Introduction of Comprehensive Federal Procurement Legislation: change order and statute of repose reform, pre bid transparency in federal contracts
- P3 Bonding Water Transportation Projects

**House Congressional Caucus** - Construction Procurement with co-chairs Reps. Peters (D-CA and Stauber (R-MN)

**Industry** - ASA's Participation at the National Association of Surety Bond Producers (NASBP)'s 2022 Annual Meeting

**2022 Regulatory Actions (monitored and commented on the following):**

- DOL Proposed Rules: Project Labor Agreements, Independent Contractor, Davis Bacon, Overtime, and Joint Employer
- ASA called upon DOT Secretary to delay Buy America, Build America Act (BABAA) in IIJA
- Vaccine Mandates (OSHA and Federal) and OSHA Vaccine on Healthcare Construction
- OSHA
  - Healthcare Construction
  - Blood Lead Levels
  - Process Safety Management for Hazardous Chemicals
  - Severe Violator Enforcement
  - Personal Protective Equipment
  - Heat and Injury Illness Prevention
- Pending EPA HBCD Rulemaking
- SBA Surety Bond Guarantee Program – Retention Bonds

**Attorneys Council Accomplishments**

- Chair (Mike Lane – New Orleans) and Vice Chair Charles Bachara (Jacksonville, FL)
- AC Annual Meeting (October 28-29, 2022 in New Orleans)
- AC prepared Price Escalation and Force Majeure Clause Documents
- SLDF
  - FY22 Funds: \$54,150.00
    - Fund Sources: Voluntary contributions, virtual & in-person events, and direct donor appeals
    - Six new cases reviewed including Brian Carroll's TX amicus brief request regarding prompt payment
- **Resource Documents**
  - The Attorneys' Council undertook the updating of several documents and resources for the ASA community in 2022.
  - ASA Subcontract Document Suite and Subcontractor Negotiating Tips
  - Updated Ten Killer Contract Clause and Constructor Negotiation presentations
- **Contract Documents Task Force**
  - Broad effort to increase awareness on the value of resources available on ASA InfoHub and ConsensusDocs subcontractor agreements as industry best practices being undertaken this year

## **State Issues of Concern**

- ASA Southwest Florida – Retainage
- ASA Colorado – Retainage
- ASA Baton Rouge – PACE (Alternative Energy Financing)
- ASA Central PA and Western PA – Anti-indemnification and Mechanical Insulation
- ASA New Mexico – Workers Compensation
- ASA DC Metro / Baltimore – P3s Projects and Retainage

## **Communications**

- 2022 Podcasts / Webinars
  - NASBP's Annual Meeting Podcast with Courtney Little, the AGC and ABC Chairmen
  - Price escalation webinar with Lee Brumitt
  - Negotiating Form Subcontracts webinar with Mark Felezzola and Jim Yand
  - Project Documentation webinar with Brian Carroll
  - SBA Ombudsman's Office Webinar
  - Killer Contract Clauses with Bethany Beck
  - Podcast with Jordan Howard, AGC's Director of Federal & Heavy Construction
  - Podcast with Dalton Defendis, the Surety&Fidelity Association of America's GRC Director

## **Social Media:**

### **Facebook**

- As of December 2022, 2,132 people like the ASA Facebook page, up from 1,312 likes from September 2019
- 2,289 people follow the page up from 1,773 followers in September 2019

### **Twitter**

- 3,117 followers, up from 2,307 in September of 2019