Tips For Managing Cash Flow In A Recession

Cash flow is a major concern for most businesses right now. As the country starts to reopen, companies everywhere are facing a big challenge — how to adapt to new COVID-19 health and safety guidelines all while finding ways to stay profitable. In a recession, the most important thing a business can do is take control of its finances.

Take a Hard Look at Your Balance Sheet and Variable Costs

In a recession, all company spending should come under the microscope. Your business should be reviewing incoming invoices with a fine tooth comb. You need to be looking not only for accuracy of the charges but also questioning the necessity of the cost. Consider changing your company policy to require more than one person to approve large budget items. This can start conversations about necessity and provide another set of eyes to help determine whether a proposed cost fits into your company’s new overall budget.

Travel, meeting and entertainment costs should be the first items on the chopping block. For example, here at Gross Mendelsohn, we’ve disallowed all non-essential business travel for the near future and canceled any internal off-site meetings and events.

Get more advice on how your business can bounce back in a post-COVID-19 world in this free 45-minute webinar.

In the short-term, consider converting some of your business’s fixed costs into variable costs. For example, instead of buying new company vehicles outright, you might consider enrolling in a fleet transportation program to give you more flexibility with your capital.

If you determine you are unable to pay an invoice or decide to downgrade a service to save on costs, communicate with your vendor. Having conversations early and often can help preserve your existing vendor relationships, which will set you up for success when you’re able to resume more normal spending in the future.

Continued on Page 18

In This Issue Of Networked & Connected:

Tips For Managing Cash Flow In A Recession . . . . . . 1
Meet & Greet - Pink Dog Digital . . . . . . . . . . 2
5 Reasons Your Business Should Offer Health Care . . . . 3
Vanishing Act . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 4
Making Maryland Magnificent - Tyler Service Solutions . 5
Product Profile - HP DesignJet XL 3600 . . . . . . . . . . . . . . . . . 6
Avoiding 4 Major Business Development Mistakes . . . . 7
Do You Know The Value Of Taking A Clarity Break? . . . 8
The Importance Of Teachability . . . . . . . . . . . . . . . . . . . . . 10
Employer Liability For Coronavirus Exposure . . . . . . . . 12
Claiming COVID-19 Damages Against The Gov’t? . . . . 14
Embracing "Recession-Proven" Labor Strategy . . . . . . . 15
Business Process And Software Usage Assessments . . . . 16
Where You Need To Be . . . . . . . . . . . . . . . . . . . . . . . . . . . . 17
MCN Contractors Select Insurance Program . . . . . . . . . . . . . 21
Get Your Benefits Advantage Quote . . . . . . . . . . . . . . . . . 22
HCC Apprenticeship Sessions For Employers . . . . . . . . 26
Upcoming Events . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 26
Meet & Greet

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As a business owner, you have probably thought about offering health care to your employees, but something has prevented you from doing so. It’s a big decision for any company and you may be wondering if it will be worth it and when is the right time to put a plan in place.

Here are our top 5 reasons you should offer health care and why now is the right time:

**The construction industry is in a health care crisis**

Of the 20 professions least likely to have health insurance, 11 of them are in the construction industry, according to MarketWatch. Now, more than ever, the industry needs leaders to step up so we can reverse the trend and take care of these hard-working men and women.

**Save your business money**

Businesses offering health insurance can use employer contributions for a tax write off as a business expense and also reduce the employer’s payroll taxes on the amount of premiums that they pay.

For companies doing prevailing wage work, medical premiums can even be paid with fringe dollars. The fringe on prevailing wage jobs can be used to cover the employer’s cost of providing health insurance to employees, leading to potentially thousands of dollars in savings.

**Boost employee productivity**

With the onset of COVID-19 people are growing increasingly worried about their health and the health of their family. Providing health care to your employees will provide them with a great sense of financial and mental relief, resulting in less stress. Studies show reduced stress leads to improved physical and mental health, fewer sick days, increased focus, and countless other benefits. A stress-free workforce is a productive workforce.

**Attract and retain employees**

According to a survey by Glassdoor, employees said health insurance is, by far, the most important benefit they receive from their employer. Offering health care is key to attracting and retaining high-quality employees. It will also give you a competitive advantage over other companies of similar size and industry that are not offering benefits.

**Save your employees money**

You are likely saving your employees a great deal of money by providing access to cheaper premiums through group rates. Generally, it costs much more for someone to obtain an individual or family health insurance policy than to get employer-sponsored coverage.

With health care costs at an all-time high, providing your employees access to a quality health insurance plan could also save them thousands in medical costs over the course of their employment.

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Employee benefits can seem overwhelming and confusing. As a one-stop-shop, Beneco provides a simplified and streamlined process for managing your employee benefits plans.

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**Jason Sperfslage, Director of Sales**

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Jason Sperfslage is Director of Sales with Beneco; a unique employee benefits, compliance services, and HR solutions company. Beneco specializes in offering these services to contractors who work on prevailing wage projects. Jason has been in the industry for over five years and leads Beneco’s nationwide sales team, while also working with contractors to design unique employee benefits solutions.
Vanishing Act

Making Remarkable Progress Depends on How Well and How Often You Can Disappear

Many professionals are uncomfortable shutting their office door or disappearing for any length of time to get things done. They’re afraid of not being available to others when others need them. **But this is unreasonable.**

Having an all-day, open-door policy will severely limit your productivity to only those moments you get to yourself and will hold you back from making exceptional progress.

Unless you’re in a position of customer service all day long, you don’t have to be—and shouldn’t be—100% available to everyone, all of the time, every day.

Are you 100% available when you’re…

- In a half-day meeting?
- Outside of work and in the dentist’s chair?
- On an airplane flying somewhere?
- In a 1-hour meeting with a client?
- At an all-day conference?
- On vacation?

If you said “yes” to any these questions, you’re trying to multi-task too much, you’re spreading yourself too thin, and/or you’re splitting your attention between two or more places or people at once. This is not only ineffective, but it can also increase stress and in some cases, damage the relationships in your work and life.

What about a Ringing Phone?

I’ve received questions in the past from clients, colleagues and audience members who have asked how to handle the phone when it rings during the times they’re trying to focus and get things done.

A lot of professionals feel like they **HAVE** to pick up the phone when it rings. **But they don’t.**

Do you feel that way, too? **Because you don’t have to.**

Everyone has a choice, but many give up their power to choose. Whether you’re in the middle of a conversation with someone else, you’re deep in thought or you’re in the middle of an important task, **it’s ultimately up to you whether or not you want to pick up the phone.**

Interruptions caused by phone calls are distracting, yes, but **YOU** have to decide it’s more important to finish what you’re working on and pick up the voice mail later OR to pick up the phone right now and risk losing momentum on your productivity and progress.

If you don’t want the interruptions or the choice, you can simply send calls to voice mail at the start of your quiet time so you don’t have to hear the phone ring during that time.

Just remember, the phone won’t stop ringing, just as email won’t stop coming in, so it’s up to you who’s in charge—you or the communication tools around you.

**Let Go of the Fear of Missing Out**

Another reason professionals don’t like disappearing for any length of time is the fear of “missing out,” but those who have this fear are setting themselves up for constant stress and struggle.

**You can’t be, do, or have everything, everywhere, all of the time,** so if you want any productivity and progress at all—as well as peace of mind—start getting comfortable with the idea protecting time and prioritizing.

*Continued on Page 19*
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Product Profile

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4 Major Business Development Mistakes & How To Avoid Them

Business development is not rocket science, but it is easy to make some mistakes. Over the years, I have seen the best and the worst of them all, and I have noticed four very common mistakes that can be and should be avoided:

**Increasing your network, instead of building meaningful relationships.**

If I could give one tip to every business development professional, it would be to focus on building meaningful relationships with your network. Of course, networking and expanding your contacts should always be a part of your work routine, but when it comes to acquiring clients, you need to get to know the people in your network better.

“Networking is about knowing more people; Connecting is about knowing people more.” - The John Maxwell Executive Leadership Podcast, Episode #62

As you meet new people and cultivate relationships with them, you will begin to feel a connection building. If you continue to focus on those relationships, you will soon find yourself with a strong network of not only clients, but referral sources, evangelists, and industry leaders that will be of value along the way.

**Being afraid to put yourself out there, instead of embracing your confidence.**

This step is arguably the most difficult because it requires some inner strength. To build a book of business, you need to be sure of yourself and what you are working towards. To do this, you need to look inside and tap into your confidence.

What is it about your work that is driving you? What is it about your skillset or personality that makes you capable of accomplishing your goals? These are the types of questions you have to ask yourself if you want to be a successful business developer. You need to be confident in the work you are doing to grow your book of business.

Also, you need to put yourself out there for people to know who you are in the first place. Which brings me to the next common mistake.

**Marketing yourself sporadically, instead of consistently.**

Business development is a marathon, not a sprint. One of the pillars to great business developing is marketing yourself consistently. The majority of business developers, and professionals in general, are active online and on social media only sporadically at best. In today's day and age, you need to do more than lurk behind your computer screen. And you also need to do more than just “like” posts.

Now is the time for you to be an active participant on social media on a regularly basis. Start posting and commenting on LinkedIn. Host an online event or offer to be a guest speaker. The only way people are going to know who you are is for you to get your name out there. And the best part is, it is free! You can become a recognized name, simply by posting meaningful and relevant content regularly on LinkedIn.

**Selling, instead of listening and providing value.**

Even if you know for a fact that someone needs your services, do not start the relationship by selling. If you come out of the gates trying to sell, you are going to make them run for the hills! This is especially true when it comes to messaging new connections on LinkedIn. People want to work with people they know, like, and trust. This person has no idea who you are, so how are they going to know to trust you? Also, people buy based on emotion, and they justify their purchases based on logic, so lose the hard sell.

The key to good business development practices is to be a better listener and look to where you can provide value to that person. For example, let's say you have a virtual coffee date with a new connection. If you ask the right questions and genuinely listen to their answers, you will start to see opportunities where you can be of assistance. Perhaps they express they need help with

Continued on Page 20
A lot of us are really feeling overwhelmed still as the pandemic drags on and on. Businesses open, businesses close, businesses are going bankrupt, and some businesses are busier than ever. Mostly, I think everyone is working really hard, and it is starting to feel like we are sprinting our way through a marathon. So how do we find a way to change pace, get our breath back and move at a more sustainable space for the long haul?

We need to take a Clarity Break™.

A Clarity Break is one of the Entrepreneurial Operating System tools that helps you get traction in your business. A Clarity Break is taking the time and opportunity to step away for a moment and work on your business, not in your business.

As a business leader, a huge weight of responsibility rests on your shoulders, and you need to be present and open for your staff - but who is looking after you? Many times, it is really up to you to look after yourself, and you have to figure out how to sharpen the saw, as Stephen Covey wrote over 30 years ago in his best seller, The 7 Habits of Highly Effective People.

The concept of sharpening the saw comes from a story of a hiker walking through the woods and coming across someone trying to cut down a tree. They are all hot and sweaty and looking exhausted. The hiker asks "What are you doing?” and the person replies "Can't you see, I'm sawing down this tree". "You look exhausted" the hiker says. "How long have you been at it?” "Over five hours, and I'm exhausted. It's hard work" comes the reply. "Well, why don't you take a break for a few minutes and sharpen your saw?” the hiker asks, and the answer comes back "I don't have time to sharpen the saw, I'm too busy sawing”.

It's an old story, but unfortunately, I see it again and again and again.

If we are going to stay with it as leaders and be present in leading our businesses through this crisis, we also need to find a way to keep our saw sharp, and then means taking a step back to get some perspective.

**Step 1: Schedule thinking time**

Great leaders have a habit of taking quiet thinking time. Taking this time needs to be out of, and away from, the office, phone, email, zoom, texts, social media and other urgent distractions so you can get the frenetic pace of the mind to settle.

To start, pick an hour block of time next week, block it out on your calendar, and go do it. If you wait around for the right time to appear, it never will. Your saw will get blunter and blunter.

No time? This concept reminds me of another book I read almost 10 years ago, called the Power of Full Engagement, by Tony Schwartz and Jim Loehr. In the Power of Full Engagement, they talk about how, in this world of hyper busy-ness we are all conditioned to say we have no time. We are too busy, there aren't enough hours in the day. The insight that Schwartz and Loehr write about is that it's not a time problem, it's an energy problem. When we attend to the physical, mental, emotional and spiritual things in our lives that sharpen our saw, then we find that we have more energy. And when we have more energy, then magically, we can seem to achieve a lot more and go further. And then we will have more time.

EOS Implementer Ed Callahan observed the characteristics of a good Clarity Break are:

- they are away from your place of business
- they are at a frequency that you can afford and is helpful to you
- they are of a duration that allows you to think clearly and achieve some results, and
- generally, they are done with our electronic devices turned off

**Step 2: Attend to exercise, nutrition, and stress management**

As we get better at taking Clarity Breaks, then we need
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The Importance Of Teachability

Soft skills is currently the hot topic among employers and business owners. This month we’re going to focus on a specific soft skill that supersedes the rest: teachability. It is a unique trait that often makes or breaks an effective leader.

One definition of teachability is “able and willing to learn”. Being teachable and humble are perhaps the most significant and vital qualities for success in all aspects of one’s life. Teachable people approach life with a desire to learn from everyone they meet regardless of that person’s status or station in life. We demonstrate humility when we learn from criticism or seek the counsel of others.

A mind that is stretched by a new experience never goes back to its old dimensions. - Oliver Wendell Holmes, Jr.

On the other hand, being unteachable is a hindrance to developing and growing a successful business. The lack of ability to receive constructive feedback may significantly impede one’s performance because we have not allowed room for input to improve ourselves.

We have all worked with people who are “unteachable”. Often, these unteachables are blinded by pride and arrogance. They frequently lack confidence, self-respect and an interest in self-improvement. They may work diligently but find themselves repeatedly trapped in the same unrelenting quandary. An unteachable leader feels the need to be “right” and is not open to others’ ideas or constructive criticism. Unfortunately, some leaders fight so stubbornly that they end up losing all they’ve worked for. Don’t let this be you!

Teachability is primarily about an attitude successful leaders embrace. It is a choice. It is the desire to listen, learn and apply. It is the hunger to discover new ways of doing things and a realization that one cannot possibly know everything. In his revolutionary book Good to Great, Jim Collins states that a wise leader is intentionally surrounded with people who have complimentary skills. The most successful leaders look for ways to empower those around them for the ultimate best of the whole organization or team.

Leadership and learning are indispensable to each other. - John F. Kennedy

A teachable person…

1. Receives constructive criticism without defensiveness.
2. Acknowledges and owns mistakes without excuses or self-justification.
3. Asks clarifying questions, seeking to understand others’ points of view.
4. Empowers others to excel in areas that complement their weaker areas.
5. Seeks guidance from more seasoned, experienced people.
6. Engages in learning opportunities – realizing there’s always more to learn to sharpen their skill set.
7. Opens themselves to thoughts, history or experiences that will challenge their existing perceptions, practices or prejudices.

Being teachable breeds faster paths to success. If you have a teachable mentality, then everyone has something to offer you. Keep an open mind, speak less, listen more.

Be teachable. Let’s all learn something new today.

Would you like to discuss the best way to address the issue of an unteachable staff member? Please click here to schedule a complimentary consultation with me.

Sonja Der
Bridge Performance Coaching
Principal Solutions Strategist
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“We now accept the fact that learning is a lifelong process of keeping abreast of change. And the most pressing task is to teach people how to learn.”

~ Peter Drucker
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Employer Liability For Coronavirus Exposure to “Essential” Employees

Employers find themselves in the new legal quandary regarding their obligations to their employees in light of the pandemic that is circling the globe. Not surprisingly, the first of many wrongful death actions has been filed against Walmart related to the death of one of its workers alleging willful and wanton misconduct and reckless disregard for the well-being of the employee. In fact, two employees from the same Walmart store died just four days apart.

At this time, most states have placed some type of restriction on a non-essential employee's presence in the workplace during this pandemic. The list of what constitutes an essential employee varies greatly from state to state. Generally, most states that have instituted a ban on nonessential employees being present in the workplace have defined essential employees as including anyone that performs work involving the safety of human life and the protection of property. This generally includes grocers, trucking companies and pharmacies. Once again, some states have more expansive lists in the definition of essential services.

In general, most jurisdictions provide that the exclusive remedy for workers that are injured on the job is workers’ compensation. Even in those jurisdictions where worker's compensation is provided, certain exclusions to the exclusive remedy frequently exist. In light of the current pandemic, it is unclear whether courts will carve out additional exceptions for this unprecedented occurrence. While not intended to be an exhaustive list, some of the current exceptions recognized in various jurisdictions include the negligence of third parties, intentional injuries and fraudulent concealment.

Third-party negligence is defined as the actions of an individual or entity that is neither an employer or coworker of the injured party. Examples of third-party negligence include injuries that occur as a result of faulty equipment utilized as part of the ordinary course of employment. Under this scenario, a faulty mask or gloves provided by the employer in good faith could result in a suit against the manufacturer of these items but any claim against the employer would remain a workers’ compensation claim.

Intentional injuries are when an employer acts willfully, deliberately, and with intent to cause injury to an employee. This could include an employer failing to provide the necessary safety equipment such as masks, shields and gloves. While some courts narrowly construe this exception, some have applied the exception when the employer has a history of not following safety guidelines and putting their workers in danger.

Fraudulent concealment is an additional exception to the exclusivity of a workers’ compensation remedy. It applies when an employer fraudulently conceals a worker's injury and its connection to employment and the concealment results in an aggravation of the injury. The exception has typically arisen in situations involving asbestos, mold, or a toxic chemicals. In the present instance, a worker could allege that an outbreak or exposure to the coronavirus in the workplace was fraudulently concealed from workers subjecting them to unknowing exposure to the deadly virus. The issue of causation could be an obstacle to a worker’s liability claim, but it is unknown how courts would apply the exception under the current circumstances.

Adequate transparency while respecting the privacy rights of the employee is a critical step to preventing a general negligence claim against the employer in light of existing workers’ compensation laws. Additionally, documentation of the disclosure, steps taken to mediate any contaminated workplaces, adequate assurance that

Continued on Page 20
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Back To Table Of Contents
Claiming COVID-19 Damages Against The Government?

Don't Give Up Just Yet

Since the outbreak of COVID-19, there has been a myriad of articles regarding the issue of Excusable Delay clauses in government contracts. As those articles repeatedly state, in an instance of an excusable delay, such as an epidemic or a global pandemic, a contractor is generally entitled to a time extension but no cost arising from the event. Two recent cases out of the Civilian Board of Contract Appeals (the CBCA) illustrate that you should carefully look at your contract language as well as the owner's actions and inactions in response to the pandemic before you give up on recovering costs.

Valerie Lewis Janitorial v. The Dep’t of Veterans Affairs

Valerie Lewis Janitorial v. The Dep't of Veterans Affairs, CBCA No. 4026 (May 5, 2020), concerned a firm-fixed price janitorial services contract at a Veterans Affairs hospital. Like most contracts of this nature, the contract contained a base period of performance along with the possibility of four more option years to provide the services.

COVID-19 was not the culprit in this contract. Instead the hospital suffered an outbreak of clostridium difficile (C diff.), a highly contagious disease.

During the course of performing the janitorial services, and when this outbreak occurred, the hospital required Valerie Lewis Janitorial (VLJ), the services contractor, to perform a two-step process of aseptic cleaning and to clean certain buildings five times per week, instead of the contractually mandated three times per week. VLJ submitted a claim to the Contracting Officer for its additional costs associated with the outbreak and the hospital’s directions. The Contracting Officer denied the claim.

VLJ appealed to the CBCA pursuant to the Contract Disputes Act (CDA), 41 U.S.C. §§ 7101-7109 (2012). The issue before the CBCA was whether, after the C. diff outbreak, the VA directed VLJ to change its process of aseptic cleaning to a two-step process and whether such a change is compensable.

The CBCA stated that, in general, a contractor asserting a claim for an equitable adjustment has the burden of proving “three necessary elements–liability, causation, and resultant injury.” Servidone Construction Corp. v. United States, 931 F.2d 860, 861 (Fed. Cir. 1991) (citing Wunderlich Contracting Co. v. United States, 351 F.2d 956, 968 ( Ct. Cl. 1965)).

The CBCA further noted that the Veterans Administration Board of Contract Appeals (VABCA) had recognized that “when the Government informally orders a method of performance more stringent than that required by the contract, a constructive change can be found to have occurred.” Caddell Construction Co., VABCA 5608, 03-2 BCA ¶ 32,257 (citing Aydin Corp. v. Widnall, 61 F.3d 1571, 1578 (Fed. Cir. 1995); Len Co. & Associates v. United States, 385 F.2d 438, 443 ( Ct. Cl. 1967)).

The VABCA has also recognized the following:

“To establish a constructive change, two essential elements must be present: a change and an order or direction, by word or deed. To find the change element, one must first examine the actual performance to see whether it went beyond the minimum standards demanded by the terms of the contract. Then it is necessary to find that the change was one that the Government’s representative ordered the contractor to perform. . . . In particular, the rejection of a method or manner of performance selected or used by a contractor is a constructive change if the method was permitted by the contract.”

John R. Hundley, Inc., VABCA 3493, et al., 95-1 BCA ¶ 27,494 (citations omitted).

The CBCA found that when the VA had directed VLJ to perform a two-step aseptic cleaning process, even though the contract was silent on the method of aseptic

Continued on Page 24
As economic and health uncertainties continue nationally, the construction industry has, nonetheless, seen two consecutive months of gains in construction starts, with May to June non-residential building starts improving 6%. Even with modest growth, electrical contractors are now faced with two workforce staffing challenges related to ever-shifting COVID-19 market restrictions:

1. Determining how many full-time workers to bring back knowing workload spikes and declines are both more severe and frequent during the crisis.

2. Filling full-time trade positions is even more daunting as many construction workers have health concerns related to returning to job sites and/or are taking advantage of unemployment benefit extensions and increased pay.

How are contractors addressing these challenges? They are once again embracing the CORE+Flex® workforce staffing strategy utilized during the Great Recession. Similar challenges were faced then and by incorporating the easy-to-implement strategy, contractors were able to effectively sustain a balanced work-to-worker ratio through constant project starts and stops. This fortified their businesses by keeping labor costs minimized and profit margins maximized.

When it comes to staffing in times of uncertainty, it is safer and more prudent to run a leaner full-time workforce, comprised only of top craft professionals, and supplement that core craft workforce with contract skilled craftsmen on an ‘only as needed’ basis. This ‘just-in-time’ staffing tactic creates a logical core staff level, avoids costly spikes and dips, and regularly saves businesses thousands of dollars over the long term.

An even greater motivator for embracing this strategy now is the timeframe. Unlike the previous recession, construction projects during this current COVID-19 impacted economy are rebounding within months versus multiple years.

To prepare for this, contractors are adopting Tradesmen International’s “CORE+Flex” workforce staffing strategy. Businesses of all sizes can work with Tradesmen’s construction labor management trained consultants who use a proprietary Labor Productivity Analysis to ascertain what volume of full-time craft employees makes sense for their businesses now and for the long-haul. In addition, they can provide guidance on identifying which specific craft employees should be brought back on after being laid off, by utilizing a custom W2 analysis.

The CORE+Flex staffing strategy is exactly right for today. With governmental and healthcare expert opinions varying day-by-day on which state, or which businesses should open or stay open, it makes sense to play it safe with non-committal, flexible staffing.

In many cases, project workloads are hard to predict week-to-week, forcing contractors to scramble to find job-ready electricians or carpenters at the last minute to send to a work site. That scramble leads to sacrifices in safety, worker skill, deadlines, or budget overruns. By adopting a stable core staffing level, supplemented by on-demand staffing, contractors actually find they can afford higher quality professionals with no sacrifice to job profitability.

When workload begins to ramp up beyond what a leaner core workforce can handle, companies avoid adding permanent payroll. Similar to the period after the 2009 recession, they’re supplementing their core workers with contract skilled craftsmen. By staying
The Importance Of Business Process and Software Usage Assessments

Does your construction company have the right operations in place to run as efficiently as possible? Or do you find that simple processes cause frustration and take longer than necessary? Perhaps you realize that your current ERP solution is not being used to the best of its ability – and you are not sure where to start. Taking the time and resources to figure out where the pockets of inefficiency live and how to streamline operations is no easy task. With business process assessments (BPA) and software usage assessments (SUA), construction companies can get a clear understanding of how to improve systems, processes, and technology to operate their businesses more efficiently.

Business Process Assessment

The business process assessment is an important tool used to uncover areas of a business that need improvement. Too often, operational and process challenges go undetected for a long period of time, causing additional underlying issues that can result in larger, more expensive problems. For example, let's use the iceberg analogy. Business process problems are generally larger than what the naked eye can see, similarly to icebergs. When addressing these problems, you will uncover more unknown complications under the surface. Before you know it, you have hit the iceberg and the severe irreversible damage has already occurred. That is why it is extremely important to assess business processes for inefficiencies before it is too late.

So, what exactly is a business process assessment? A BPA is a thorough analysis of a company's existing operations and procedures. Like most growing construction companies, there are systems and processes in place that are outdated, inefficient, and causing pain points within entire organizations. At Business Information Group, our team of consultants conducts a full examination of every department within the company including accounting, operations, payroll and human resources. This highlights the pain points and risks that exist within the current processes. From there, we make thorough recommendations on how to improve these processes including identifying software and technology solutions that can be implemented to improve productivity and increase efficiency based on best practices.

Of course, that's not the end of the road. The BPA findings serve as a roadmap to help guide your business in determining the best next steps. With this knowledge of how and where to improve, BIG works with your team to find the best solution for your business – whether that is implementing a new ERP system or not.

Software Usage Assessment

Chances are that your construction company is currently using an ERP system, or at the very least, a software system that helps manage company operations. Whether or not you're using it to the best of its powerful capabilities is ultimately what needs to be determined. With an investment in an ERP such as Viewpoint Vista or Spectrum, it is important to ensure the software is being used effectively, and to the benefit of your company. If you're wanting to maximize your investment and go beyond the basic functionalities of your ERP, start with a software usage assessment.

The purpose of an SUA is to evaluate how well your systems and processes integrate with your current ERP. BIG's consultants identify areas of improvement and make recommendations for custom reports, integrations, or modules to add to your ERP to optimize the functionality so your company can run smoother. The result is a plan of action for greater efficiency, improved financial and operational controls, and optimization of your technology investment. Business Information Group's consultants help construction companies use this information to their benefit by converting and importing data from legacy accounting software into Vista or Spectrum, providing training and support on newly added modules and products, and the creation of Crystal and SSRS reports.

For over the last 25 years, BIG has helped construction companies of all sizes do more with technology. Working with AEC companies across the United States,
FREE Virtual Panel for Maryland Construction Contractors

Wednesday, September 2, 2020 | 2:00 - 2:45 pm

While construction projects have continued throughout most of Maryland, many construction contractors are not convinced that this is necessarily a sign of good things to come. Pre-pandemic backlogs are keeping many contractors busy, but uncertainty clouds the future of new construction, pending the severity of shutdowns, the availability of financing and future commercial and government spending.

That’s why we invited four seasoned industry veterans to serve on a panel to discuss where the construction and real estate industries will head next and tips for moving forward.

This virtual event will include:

- Discussion from panelists on current industry trends and what they think the future holds
- An update on the state of the economy and stock market from GGM Wealth Advisors
- Q&A session featuring questions from the audience

Panelists:
Stephanie Freeman, McGriff Insurance Services
Jeff Jacobson, Solstice Partners
Kenny Mallick, Mallick Mechanical
Steve Porter, Porter Construction

Moderator:
Jonathan Lovell, Gross Mendelsohn

Hosted By:
GROSS MENDELSONH
ACCOUNTING | TECHNOLOGY | WEALTH ADVISORY

Register Now!
Get Paid

People are working in a virtual environment now more than ever, which means how your company sends invoices might need to change. If your business relies on paper invoices, it’s time to look into online payment options and electronic invoicing. For example, here at Gross Mendelsohn, we launched an online payment portal to make it easier for our clients to pay outstanding bills.

When it comes to customers who delay or are late to pay invoices, consider having a high-level member of your team make personal phone calls to encourage timely payments.

When taking on new customers in a recession, it’s okay to make sure the customer can actually pay you before you begin any work. One way to do this is by asking for financial statements or a letter of credit to ensure that a new customer can deliver on payments. If the customer can’t provide the necessary financial information, it’s okay to pass on the opportunity (which may save your company thousands of dollars in unpaid invoices in the process).

Talk to Your Key People

The best way to get your team on board with new financial limitations is to make them a part of the process. Ask the key members of your business to project what they think the future of your company looks like in the next year. Together, build a budget based on the group’s realistic revenue projections.

This process might force you to acknowledge some tough topics, like needing to reallocate work from part-time or contract employees to underutilized full-time employees or laying off or furloughing members of your team.

Steve Ball, CPA, CVA, CCFIP, is director of Gross Mendelsohn’s Construction & Real Estate Group. He is passionate about helping contractors succeed in all facets of business. Steve provides audit, review, compilation, tax, business valuation, succession planning and consulting services for contractors. Contact Steve at 410.685.5512 or sball@gma-cpa.com.
What are the MOST important things for you to be, do or have right now? Get clarity, make a decision and then protect time to get it done.

Plan the rest of what you want to do for another moment in time and let go of the rest. If you’ve planned and prioritized correctly, you’ll get to the NEXT most important thing shortly.

**Let go of the Pride of Multi-tasking**

Study after study has proven that multi-tasking is inefficient and ineffective. And yet professionals still do it—and they’re still proud of it! But this is foolishness.

When you lead a split-screen, split-focus, split-attention day, you’re ultimately compromising the quality of your focus, your work, your relationships and your health, because higher stress levels will result from trying to “do it all” and will lead eventually to burnout. And when you’re trying to “do it all,” you actually get nothing done.

I recommend you practice working on ONE task at a time—intentionally and with great focus. This is a choice only YOU can make, and it matters that you make it, because only you can protect your time to produce high-quality work while respecting timelines, goals and the relationships around you.

If you keep rolling along reactively—trying to be 100% available to everyone all the time—you’re placing the importance of being “available” to others well above the importance of accomplishing work, finishing projects and reaching goals.

If you continue to drop what you’re doing at every interruption, distraction and communication around you, and you protect NO time for yourself, then you’re guaranteed to put your productivity and progress into SLOW motion.

**It’s Time to Disappear**

If you want to be an effective executive, it’s time for you to disappear. Protect time to THINK, to CREATE, to INNOVATE. Protect time to get your MOST important tasks accomplished. **Protect time to make meaningful, powerful PROGRESS.**

Protected blocks of time don’t have to be at the same time every day, but they should be 30, 60 or 90 minutes long at least twice a day. Close your office door or disappear into a conference room. Make yourself less available.

Even when you can’t truly “disappear” for long periods of time, you can still commit to (and enjoy) some time for yourself and keep interruptions at bay. This means NOT answering the phone, NOT looking at email, and NOT addressing any other kind of interruption, unless it’s a TRUE emergency.

When you recall the earlier list of possible times you’re unavailable—1-hour meetings, half-day meetings, being in the doctor’s office or dentist chair, enjoying a vacation—these are proof of you have the **ability to disappear for periods of time** throughout the day and get a LOT accomplished. And your team, department or business will not fall apart.

Just remember the words of **Peter Drucker**, an Austrian-born American management consultant, educator and author, “If there is any one ‘secret’ of effectiveness, it is concentration. **Effective executives do first things first and they do one thing at a time.**”

And the only way to do that is to disappear behind a closed door at some point EVERY day.

**Leslie Shreve**

**Founder and CEO**

**Productive Day®**

Leslie Shreve is a workload management and productivity expert, and the Founder and CEO of Productive Day®. Leslie is also the creator of Taskology® *The Science of Getting Things Done*, a simple, logical and easy-to-use system that shows professionals how to increase efficiency and productivity by up to 300% in as little as 4 weeks, while reducing stress by up to 90%. Clients previously frustrated or overwhelmed with too much to do, too many emails and too little time now claim to have a secret—a strategy they can use to get things done faster and easier, and make more meaningful progress on the projects and initiatives that matter the most to them and to the future of their company.
their IT and computer systems—you can connect them to one of your trusted IT partners. If the referral pays off, you not only just gained the trust of this new person, but you improved your relationship with your referral source. It is a win-win situation.

Well, there you have it. My top 4 business development mistakes and how you can avoid them. What business development mistakes do you see and how can others avoid them? I want to know.

Jim Ries  
*Director of Business Development*  
*Offit Kurman.*

They are a full-service law firm, serving the legal needs of small and mid-size privately-held owner managed businesses with 230 attorneys in 14 offices from Charlotte to New York City, with a heavy concentration here in the Maryland/DC/Northern Virginia region. Jim has access to a deep network of attorneys in every practice area, and he connects business owners to the right attorney who can resolve their legal disputes and protect their assets. Jim is a master networker, and he prides himself on being able to make meaningful connections. Let Jim be your Google.

Continued from Page 12

cross exposure has been prevented and the availability of safety equipment is paramount. How the legislature and courts will treat this unprecedented pandemic in regards to workers’ remedies has not yet been determined. The current law, however, indicates that transparency and adequate documentation that the appropriate mitigating steps were taken will minimize the risk of general negligence lawsuits against the employer.

Joan Cerniglia-Lowensen, Esquire  
*Joan Cerniglia-Lowensen is a Member with Pessin Katz Law, P.A. (PK Law). She has over twenty five years of civil litigation experience throughout the State of Maryland in both state and federal courts. Prior to becoming an attorney, Ms. Cerniglia-Lowensen was a registered nurse achieving both a BSN and a MS with a major in nursing. As an attorney, she primarily practices in the health care defense field. She defends nurses, doctors, veterinarians, dentists, healthcare providers, healthcare facilities, mental healthcare workers, urgent care facilities and nursing homes in medical malpractice matters; professional liability and tort claims; and disciplinary actions before various regulatory boards. She also defends individuals and entities in a variety of civil litigation matters. She can be reached at 410-339-6753 or jclowensen@pklaw.com.*

Continued from Page 16

our team of consultants and developers have an intimate knowledge of the process and software solutions that are proven to work for the construction industry. If you’re looking for guidance on implementing industry-leading practices to improve your team’s efficiency and collaboration, contact Business Information Group today.

Maura McGowan  
*Marketing Coordinator*  
*Business Information Group.*

BIG is a leading IT consulting firm in York, PA. Maura is a graduate of York College of Pennsylvania with a Bachelor of Science degree in Marketing.
MCN’s Contractor Select Insurance Program

Maryland Construction Network | Consolidated Insurance | FCCI Insurance
The Contractor’s Select Insurance Program Offers Success Stories!

The Contractor’s Select Insurance Program, offering tailored commercial package, workers’ compensation, auto, umbrella coverage and surety bonds, has been designed especially for contractors.

**Now, We Have Success Stories to Share!**

The following business types have taken advantage of this innovative, cost-cutting program:

- Alarm | Access Control | Surveillance Equipment Installation Contractors
- Carpentry Contractors
- Concrete Contractors
- Electrical Contractors
- Environmental Contractors
- Excavation Contractors
- Facilities Maintenance Contractors
- General Contractors
- Sheet Metal Contractors
- Utility Contractors

**Is Your Business Next?**

Contact Josh Marvel, Consolidated Insurance, to see how you can save.

NOW Is A Great Time To Save!
Is Your Medical Benefit Insurance Renewing?

Consider A MCN Benefits Advantage Quote

Maryland Construction Network’s Benefits Advantage offers Choice, Flexibility, Lower Costs, and a Dedicated Service Platform providing customized Brokerage Advice, Account Management, and Employee Service. Benefits Advantage successfully integrates traditional medical benefit products with “next generation” products.

Did you know:

- Covid-19 has changed everything about Medical Plans & Healthcare Delivery?
- Benefits Advantage takes advantage of New Delivery Models such as Telemedicine & Creative Pricing Structures?
- Small Group Market Medical Plan Rates are anticipated to increase significantly?

Why not get an MCN Benefits Advantage quote?

Please select the “Census Get A Quote Document”. Complete it to receive a no obligation Medical Plan Quote. Then, compare it to your renewal.

Have questions? Please contact Mark Kauffman, Senior Vice President, at The L. Warner Companies. Mark can be reached at 410.917.3002 or at mkauffman@lwarner.com.
to attend to keeping fresh through exercise, nutrition, and stress management. I make it a point to exercise in some way every day. Some days it might just be a walk up to the local park so I can feel the wind on my face and hopefully some sunshine. Other days, I’m doing a yoga routine from one of the many online sources, or perhaps getting out for a run. Nutrition is a huge game changer for me, and I know everyone is an expert at their own thing, but I have found that doing deep, creative work requires that we don’t overload our system with too much sugar. In fact, I have a downloadable set of recommendations on my website I have used for helping teams set the stage for doing creative work food-wise.

**Step 3: A blank page and a pen is all you need**

To keep sharp mentally during this pandemic I have learned about a number of techniques that I have now adopted and use regularly. The biggest one for me is to write. The benefits of writing by hand have been well researched and include a Harvard Business School study that showed people who journal at the end of every day had a 25% increase in their performance. In another study at Cambridge University, researchers found that journaling, even just 15-20 minutes a day, helps improve well-being after traumatic and stressful events. Then, in another study at Dominican University in California, a professor found that people who write down their goals and dreams on a regular basis were 42% more likely to achieve them than people who don’t.

In EOS, we teach, facilitate and coach leaders to get all the issues out of your head and down on paper where you can now see them. This helps you see issues as being more contained and therefore more tractable.

**Step 4: A moment of stillness**

Many of us have spiritual traditions and systems we follow. I think one thing common to all traditions that you can do is take some time to be still, or perhaps even to meditate. I know this can be very hard as we are stuck at home and many of us are in each other’s spaces, but if you can find a pair of decent headphones then there are tons of guided meditation tracks on Youtube, or apps like Calm or Waking Up. Finding 15 minutes to still your mind and unknot your shoulders will do you wonders.

**Use this time to get prepared**

We are in a marathon, and unfortunately, we need to get fit while we are running it. To keep yourself going for the long haul and be all you can be for your business, your people, your family and yourself, take a step back. Take a moment and a quiet space to think about your business, what you are worried about and what you can do about it. If you need any help or advice, or just someone to talk with about your business, I’m here to Help First. As a Professional EOS Implementer, I help business owners build better lives through building better businesses.

**Stephen Morris MBA**
**EOS®: Entrepreneurial Operating System® Implementer**
**Team Development Facilitator**
**Smooth Sailing to Business Growth**
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Want something done right? On time? On budget? Get the owner on the job. Get Maine Drilling. We’re Employee Owners. Doing right by you, and ourselves at the same time. That’s what it means to be an Employee Owner. Taking care of business better.
cleaning the VA had constructively changed the terms of the contract.

**Pernex Serka Joint Venture v. Dep’t of State**

The second case, Pernex Serka Joint Venture v. Dep’t of State, CBCA No. 5683 (Apr. 22, 2020), builds upon the issue – specifically how the changes clause may interplay with the Excusable Delay clause.

Once again, COVID-19 was not the culprit. In this case, PSJV was performing a firm-fixed price construction contract in Sierra Leone when an outbreak of Ebola spread to the country. PSJV’s contract had both a Changes clause and an Excusable Delay clause.

PSJV looked to the State Department for guidance under the circumstances of this epidemic. The State Department declined to issue any instructions, only to say that the US Embassy in Sierra Leone was still operational. PSJV, without direction from the Contracting Officer, took matters into its own hands and elected to stop work and evacuate.

Upon its return to the project, PSJV submitted requests for equitable adjustment related to the stop work and evacuation, as well as costs for additional medical services and supplies to protect the returning personnel.

The Contracting Officer denied one of the REAs and simply ignored the other.

The Contracting Officers, did however, issue a modification for additional time to PSJV under the Excusable Delay clause. PSJV appealed.

The CBCA denied PSJV’s appeal, stating:


PSJV’s firm, fixed-price contract obligated PSJV to perform and receive only the fixed price. The contract, in clause F.8.1 and the referenced FAR clause 52.249-10, explicitly addresses how acts of God, epidemics, and quarantine restrictions are to be treated. A contractor is entitled to additional time but not additional costs. Appellant’s attempts to shift the risks clearly articulated by the contract are unavailing. See, e.g., Fluor Intercontinental, Inc.”

Id. at p. 8.

The CBCA stated that, PSJV had not identified any clause in the contract entitled it to relief, including under the theory of constructive change. The CBCA stated:

“A constructive change occurs where a contractor performs work beyond the contract requirements without a formal order, either by an informal order or due to the fault of the Government. International Data Products Corp. v. United States, 492 F.3d 1317, 1325 (Fed. Cir. 2007). To recover on a constructive change claim, a contractor must show that (1) it performed work beyond the contract requirements and (2) the Government ordered - “expressly or implicitly” - the contractor to perform the additional work. Bell/Heery v. United States, 106 Fed. Cl. 300, 313 (2012), aff’d, 739 F.3d 1324 (Fed. Cir. 2014). A contractor cannot invoke a claim for constructive change against the Government unless the Government effect[s] an alteration in the work to be performed. Bell/Heery, 739 F.3d at 1335.”

Id. at p. 10. (Emphasis added).

In short, because the Government gave no instruction to PSJV about what it should do under these circumstances it had not imposed a constructive change on the JV.

**What can we learn from these two decisions?**

Contractors should look carefully at the performance requirements of the contract and communications with the Government regarding the contractor’s planned means and methods of performance as compared to the means and methods of responding to the pandemic. If the Government gave specific or implicit instruction on how the contractor should perform or shutdown (i.e. means and methods directives), then it is likely that the
costs associated with this instruction are recoverable under the theory of constructive change.

It is important that the contractor document both the communications with the Government and the costs that the Contractor incurs to recover.¹

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Asmar, Schor & McKenna, PLLC

Tamara McNulty is a highly experienced Government Contracts and Construction litigation attorney. Tamara can be reached at her cell phone (703) 969-1131 during these interesting times.

¹ During the course of performing the janitorial services and when this outbreak occurred, the hospital required Valerie Lewis Janitorial (VLJ), the services contractor, to perform a two-step process of aseptic cleaning and to clean certain buildings five times per week, instead of the contractually mandated three times per week.

² The Excusable Delay clause is still important to the Contractor for an extension of time to avoid the imposition of Liquidated Damages.

in close contact with Tradesmen International’s 180 offices, they’re able to give our local recruiters an ample four-to-six-day lead time on trades needed. The result is that Tradesmen confidently – with an approximate 90 percent or better fill-rate – provides the number of contract workers requested, at the right skill level, precisely as needed. By sending electrician employees back when workload slows, clients are sustaining a more profitable, productive workforce.

Using contract skilled labor has other advantages that positively impact contractor bottom lines. Tradesmen covers all payroll, unemployment, benefits, and Workers’ Comp related costs and risks on their employees. This shelters contractors from expenditures they’d normally have to pay on short-term, full-time workers.

Tradesmen International is offering contractors across America a free consultation including a custom Labor Productivity Analysis that, using client data, enables contractors to implement a logical CORE+Flex staffing strategy.

Ed Rojeck  
Director of Marketing  
Tradesmen International

Tradesmen International, an Ohio-based company, has provided contract skilled labor to construction and industrial partners since 1992. Partners benefit from Tradesmen’s recruiting expertise and magnitude, having at their disposal pre-screened craftsmen in all trades, at all skill levels. The severe shortage of verifiably skilled craftsmen across North America has otherwise made this a daunting task for construction business management. In addition, Tradesmen’s business model centers on enabling partners to sustain a balance between workload and workers which traditionally helps businesses achieve exceptional profit margin gains.

¹ Dodge Data & Analytics / July 16, 2020
## Opportunities

### Howard Community College To Hold Apprenticeship Info Sessions For Employers

Howard Community College will hold a series of virtual information sessions for employers interested in apprenticeship opportunities with the college. Apprenticeships allow employers to grow their workforce by enhancing employee skills or hiring new apprentices to meet industry needs.

- The construction management apprenticeship supports employers in need of managers skilled in planning, coordinating, budgeting and supervising construction projects. A virtual information session for employers will take place on **Wednesday, Aug. 26**, from 9 to 10:30 a.m. [Register online](#).
- Future apprenticeships in other fields, including health care IT, additive manufacturing and insurance, can help employers across a range of industries develop their talent pool. A general virtual information session for employers will take place on **Wednesday, Sept. 9**, from 9 to 10:30 a.m. [Register online](#).

In addition to construction management, HCC offers apprenticeships in heating, ventilation, air conditioning and refrigeration (HVACR) and provides training for students interested in earning a journeyman's license. Learn more.

Howard Community College's virtual information sessions will include an overview of the college's apprenticeship programs, as well as a representative from the Maryland Department of Labor to answer questions about apprenticeship incentives and tax benefits.

For more information about the apprenticeship benefits for employers, visit [www.howardcc.edu/apprenticeship-employer](http://www.howardcc.edu/apprenticeship-employer).

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**August 25th** – Cyber Security Resource Group
Disaster Recovery & Business Continuity Planning
1:00 – 2:00 p.m.

**August 26th** – inDirect Connect Networking
How to be a Great Boss & 1 on 1 Networking
Catylator LLC, Bridge Performance Coaching, Rocchi Construction
9:00 – 10:30 a.m.

**August 26th** – Howard Community College Apprentice Info Session for Employers
Register online
3:00 – 4:30 p.m.

**September 2nd** – Insurance Resource Group
Becoming a “Top of the Stack” Submission to the Insurance Marketplace
9:00 – 10:00 a.m.

**September 2nd** – “The Future of the Maryland Construction Industry” - A Panel Discussion
Host: Gross, Mendelsohn & Associates
2:00 – 2:45 p.m.

**September 15th** – Accounting Resource Group
Accounting for Covid-19: Cash Flow & Other Financial Strategies
8:00 – 9:00 a.m.

**September 16th** – inDirect Connect Networking
Montgomery County Construction Forecast & 1 on 1 Networking
3:30 – 5:00 p.m.

**September 17th** – Legal Resource Group
Introduction to FIDIC Contracts
10:00 – 11:00 a.m.

**September 22nd** – Cyber Security Resource Group
NIST - What It Is & What It’s Not
1:00 – 2:00 p.m.

**September 24th** – Marketing & Digital Resource Group
Marketing in the New Normal
4:00 – 5:00 p.m.

**September 29th** – inDirect Connect Networking
Frederick County Construction Forecast & 1 on 1 Networking
3:30 – 5:00 p.m.
Details to Follow