



# MCAC NEWS BRIEF

A Snapshot of MCAC Headlines | 7.28.2021 | Issue 16



Serving the Southern California Masonry Industry Since 1947.

## Top Stories In This Briefing



Interested in Advertising in the 2022-23 MCAC Membership Directory?



Bill to Require Certified Payroll on Private Works Advances Through Legislature



Contract Alert! No Defects Allowed?



## Interested in Advertising in the 2022-23 Membership Directory?



2021-2022 MEMBERSHIP DIRECTORY

The printed 2021-22 MCAC Membership Directory has gone out and is now also available [online](#).

Where else can you find MCAC member information? Why, thank you for asking!

- Check out the enhanced profiles of MCAC contractor members in our online [Member Directory](#).
- Visit our supplier community via our [Associate Member Links](#).

Our aim is to get it right, so if you see something that needs our attention (your company description, an updated logo, etc.), let us know.

Next year's edition is already in-the works. Interested in advertising in the 2022-23 MCAC Membership Directory?

MCAC is now accepting orders for the next edition of its printed and digital Membership Directory. Cover spots go *quickly*! Reserve your space ASAP by sending in the [reservation form](#), or simply email [elouise@mca-ca.org](mailto:elouise@mca-ca.org). No payment due now. We will bill you closer to publication.

Completed orders with artwork and payment are DUE BY MARCH 7, 2022.

**Thank you** to all of our incredible advertisers that have allowed us to continually 'level-up'

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## Bill to Require Certified Payroll on Private Works Advances Through Legislature



[SB 727](#) would modify existing law by making a direct contractor liable for both the actual wages **and** additional penalties or liquidated damages for unpaid wages owed to a subcontractor's employees. Direct contractors may avoid the additional liability by monitoring subcontractor payroll records, taking corrective action to rectify the situation (including withholding payments from the subcontractor), and obtaining an affidavit from the subcontractor confirming that all wages, benefits, and contributions owed to employees have been paid. Existing law (enacted by [AB 1701](#) effective 1/1/18) makes a direct contractor liable for the unpaid wages of its subs but expressly states that liability *does not* extend to penalties or liquidated damages. SB 727 has been moving through legislative committees with relative ease despite a long list of opponents, including the \*American Subcontractors Association of California (ASAC), Associated General Contractors (AGC), and the California Chamber of Commerce, and a small list of supporters. The bill is next scheduled to be heard in August. MCAC continues to monitor this measure which, if passed, would take effect January 1, 2022.

Read a recent [analysis of SB 727](#) for a bill summary and list of supporters and opponents.

\*MCAC is a member of ASAC. When MCAC belongs to an industry association, we share the benefits of that organization with you. We are happy to have ASAC as a leading voice on subcontractor issues among those affiliations.



## Contract Alert! No Defects Allowed??

Are you signing off on building a *perfect* wall? MCAC members have reported seeing contract language calling for exactly that -- a perfect wall. NO defects allowed. The language might look something like this, "...masonry unit standards may allow a certain percentage of units to contain chips, cracks, or other defects...Do not use units where such defects are exposed in the completed Work." ASTM C90 section 7 Finish and Appearance cites:

*Five percent of a shipment containing chips, not larger than 1 in. (25.4 mm) in any dimension, or cracks not wider than 0.02 in. (0.5 mm) and not longer than 25% of the nominal height of the unit, is permitted.*

**and**

*Where units are to be used in exposed wall construction, the face or faces that are to be exposed shall not show chips or cracks, not otherwise permitted, or other imperfections when viewed from a distance of not less than 20 ft (6.1 m) under diffused lighting.*

Some suggested language to use if you find yourself dealing with a 'no defects' specification could be: "Bid is based on CMU Finish and Appearance as provided for in ASTM C90 and TMS 602. Any criteria, in the Contract Documents, that is greater than or exceeds ASTM C90 and TMS 602 is excluded."

Are you seeing 'no defects' language in your contracts? Did you successfully negotiate it out of your contract? Please let us know. MCAC is here to create awareness around issues impacting our industry and provide tools to help navigate those issues. Sharing challenges and victories is one of the best ways we can do that.

P.S. [NCMA Tek Notes](#) offers commentary on ASTM C90 and is a helpful resource for anyone

working with manufactured concrete masonry units.

Mason Contractors Association of California, Inc. | [www.mca-ca.org](http://www.mca-ca.org)

