



# **Excellence in Ethics**

## **Resource Guide**

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**American Subcontractors Association, Inc.  
Certificate of Excellence in Ethics**

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## Model Request for a Letter of Recommendation – Customer

<Date> - at least two weeks before your deadline

<Name>

<Company>

<Address>

<City, State, Zip>

Dear <Greeting>:

After our experience on <name of project> on <date of project> in <location of project>, you learned that my company strives to bid, negotiate and execute contracts in accordance with the highest standards of quality, fairness and integrity. <insert a brief anecdote of your experience with the customer>

Because of this experience, I hope that you know our work well enough to write my company a good recommendation letter for our application for an American Subcontractors Association Certificate of Excellence in Ethics. The application requires a letter of recommendation from a customer with which we have worked in the past year. ASA also asks that recommender make him- or herself available for follow-up questions by the review committee. The requirements for the customer recommendation include statements and evidence of my firm's:

- Ethical business practices on a corporate and individual level,
- Promotion of the construction industry,
- Ability to meet professional standards for materials and service delivery, including jobsite operations, dispute resolution practices, and with respect to the environment, and
- Contract negotiation and performance.

For more information on the ASA Certificate of Excellence in Ethics, please see the enclosed program description.

I would like to complete my application materials by November <XX>, 2018. Therefore, I would like to have your letter returned to me in a sealed envelope with your signature over the seal by <date>.

Again, I appreciate your taking the time to write this letter. If you need any more information or have any questions, please feel free to give me a call. Thank you.

Sincerely,

<Requestor Name>

## Model Request for a Letter of Recommendation – Subcontractor/Supplier

<Date> - at least two weeks before your deadline

<Name>

<Company>

<Address>

<City, State, Zip>

Dear <Greeting>:

After our experience on <name of project> on <date of project> in <location of project>, you learned that my company strives to bid, negotiate and execute contracts in accordance with the highest standards of quality, fairness and integrity. <insert a brief anecdote of your experience with the customer>

Because of this experience, I hope that you know our work well enough to write my company a good recommendation letter for our application for an American Subcontractors Association Certificate of Excellence in Ethics. The application requires a letter of recommendation from a subcontractor or supplier with which we have worked during the past year. ASA also asks that recommender make him- or herself available for follow-up questions by the review committee. The requirements for the subcontractor/supplier recommendation include statements and evidence of my firm's:

- Ethical business practices on a corporate and individual level,
- Promotion of the construction industry,
- Contract negotiation and management practices, and
- Treatment of lower-tier members of the construction team with regards to ethics and equity.

For more information on the ASA Certificate of Excellence in Ethics, please see the enclosed program description.

I would like to complete my application materials by November <XX>, 2018. Therefore, I would like to have your letter returned to me in a sealed envelope with your signature over the seal by <date>.

Again, I appreciate your taking the time to write this letter. If you need any more information or have any questions, please feel free to give me a call. Thank you.

Sincerely,

<Requestor Name>

## Model Request for a Letter of Recommendation – Competitor

<Date> - at least two weeks before your deadline

<Name>

<Company>

<Address>

<City, State, Zip>

Dear <Greeting>:

After our experience on <name of project> on <date of project> in <location of project>, you learned that my company strives to bid and negotiate contracts in accordance with the highest standards of quality, fairness and integrity. <insert a brief anecdote of your experience with the competitor>

Because of this experience, I hope that you know our work well enough to write my company a good recommendation letter for our application for an American Subcontractors Association Certificate of Excellence in Ethics. The application requires a letter of recommendation from a competitor. ASA also asks that recommender make him- or herself available for follow-up questions by the review committee. The requirements for the competitor recommendation include statements and evidence of my firm's:

- Ethical business practices on a corporate and individual level,
- Promotion of the construction industry, and
- Competition practices.

For more information on the ASA Certificate of Excellence in Ethics, please see the enclosed program description.

I would like to complete my application materials by November <XX>, 2018. Therefore, I would like to have your letter returned to me in a sealed envelope with your signature over the seal by <date>.

Again, I appreciate your taking the time to write this letter. If you need any more information or have any questions, please feel free to give me a call. Thank you.

Sincerely,

<Requestor Name>

## Model Recommendation From a Competitor

Date: **<Insert date>**

Dear ASA Task Force on Ethics in the Construction Industry:

**<Insert applicant company name>**, a competitor of our firm, informed me that it is applying for an ASA Certificate of Excellence in Ethics and requested a letter of recommendation from us. It is with pleasure that I provide such a recommendation based on **<insert applicant company name>**'s:

- Ethical business practices on a corporate and individual level. For example:

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*(A statement affirming the applicant's ethical business practices is required.)*

- Promotion of the construction industry. For example:

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*(A statement affirming the applicant's promotion of the industry is required.)*

- Fair and honest competition. For example:

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*(A statement affirming the applicant's fair and honest competition is required.)*

Please feel free to contact me at **<insert phone number>** or **<insert email address>** with any questions.

Sincerely,

**<insert recommender's name>**

**<insert recommender's title>**

**<insert recommender's company address, city, state>**

## **Model Code of Ethics for a Construction Subcontractor**

**Background:** Since its founding more than 50 years ago, the American Subcontractors Association, Inc. (ASA) has worked to improve the business environment in the construction industry. ASA has discussed, educated on and promoted ethical industry practices. This includes developing and marketing a “Professional Standards of Practice for the Professional Subcontractor.” In 2002, Congress enacted the Sarbanes-Oxley Act, which requires public companies to disclose whether or not they have adopted a code of ethics and other disclosures regarding such code. Subsequently, some publicly-held companies have required their own service providers and suppliers to disclose their own codes of ethics, whether or not required by the Sarbanes-Oxley Act. ASA has prepared this “Model Code of Ethics for a Construction Subcontractor” to help ASA members and other subcontractors comply with both the letter and spirit of the Sarbanes-Oxley Act. ASA members and other subcontractors are urged to modify and adopt this model for their own use.

### **Model Code of Ethics for a Construction Subcontractor**

**Competition.** <Insert firm name> competes fairly for contracts, avoiding any practice that might be construed to be in violation of the letter or spirit of the antitrust laws. The firm avoids any activity that could be construed as bid shopping or peddling. The firm does not knowingly violate any law or regulation governing the competitive process.

**Qualifications.** <Insert firm name> seeks to perform contracts only for projects for which the firm has the technical competence and experience. The firm does not accept contracts for which it is not qualified. The firm assigns staff to projects in accordance with their qualifications and commensurate with the demands of the services to be provided under the contract.

**Standards of Practice.** <Insert firm name> provides materials and services in a manner consistent with the established and accepted standards of the construction industry and with the laws and regulations that govern it. The firm performs its contracts with competence, reasonable care and diligence. The firm establishes prices that are commensurate with its services. It serves its customers with honesty and integrity.

**Conflicts of Interest.** <Insert firm name> endeavors to avoid conflicts of interest, both corporate and individual. Where a corporate conflict exists, <Insert firm name> will disclose such conflict to its customer or prospective customer. <Insert firm name> regularly educates its staff about personal conflicts of interest and has established a procedure for internal disclosure.

**Public Safety.** <Insert firm name> assures that the safety of its employees, the employees of others on the job site, and the general public are protected during the provision of its services.

**Service Providers and Suppliers.** <Insert firm name> treats its service providers and suppliers in an equitable manner, assuring that they are provided clear direction and prompt payment for service provided. The firm does not knowingly violate any law or regulation governing such relationships.

**Employees.** <Insert firm name> complies with the letter and spirit of laws relating to working conditions, equal employment opportunities, and pay practices. The firm does not knowingly violate any law or regulation dealing with employment.

**Public Information:** <Insert firm name> assures that all public statements and disclosures it makes are truthful. The firm also protects the proprietary interests of its customers.

**Compliance with Laws.** <Insert firm name> does not knowingly violate any law or regulation.

**Image of the Construction Industry.** <Insert firm name> avoids actions that promote its own self-interest at the expense of the construction industry and upholds the standards of the construction industry with honor and dignity.

**Internal Procedures.** <Insert name of firm> has established internal procedures under which its failure to conform to the above practices will be handled. Each year, the firm reviews this code of ethics and its internal procedures with each of its employees. If an employee, customer or other individual becomes aware of a circumstance in which <Insert firm name> or an employee of the firm fails to conform to the above standards, he/she should immediately report such circumstance to <insert name & title of individual>. <title> will initiate an investigation of and otherwise resolve the reported issue.



## **Model Non-Discrimination and Equal Employment Opportunity Policy**

**<Insert Company name>** (“The Company”) provides equal employment opportunities to all employees and applicants without regard to: race, color, religious creed, sex, national origin, ancestry, citizenship status, pregnancy, physical disability, mental disability, age, military status or status as a Vietnam-era or special disabled veteran, marital status, registered domestic partner status, gender (including sex stereotyping), medical condition (including, but not limited to, cancer related or HIV/AIDS status) or sexual orientation in accordance with applicable federal, state and local laws. In addition, the Company complies with applicable state and local laws governing non-discrimination in employment in every location in which the Company has facilities. This policy applies to all terms and conditions of employment, including, but not limited to: hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

Furthermore, the Company prohibits discrimination in all of its business relationships, including customers, suppliers, and service providers, based on these same terms.

## **Model Whistle Blower Policy**

**<Company name>** (“The Company”) demands the highest ethical conduct from its employees, representatives and contractors, including compliance with all federal, state and local laws and the Company’s own policies and procedures. If any employee, representative or contractor is aware of any such breach or potential breach of such law, policy or procedure with respect to the Company, he/she should bring such problem to the attention of the head of Human Resources. If the problem is not resolved after discussion with Human Resources or if he/she feels that discussion with that department is inappropriate, he/she is encouraged to approach the Chief Financial Officer of the Company or **<insert other appropriate individual, such as the company’s ethics officer>**. The Company will not tolerate any form of retaliation against an individual who avails him/herself of this procedure. The procedure should not be construed, however, as preventing, limiting or delaying the Company from taking any disciplinary action against any individual, where the Company deems disciplinary action is appropriate.

## Helpful Resources

### **ASA Web site**

Resources are available for subcontractors, including best practices guides, educational materials, and model documents for a variety of purposes.

[www.asaonline.com](http://www.asaonline.com)

### **“Developing a Corporate Ethics Policy” Video-on-Demand (Item #8011)**

In this free two-hour video-on-demand, available in the Member Resources section of the ASA Web site, Hank Boerner, chairman of the Governance and Accountability Institute and partner and managing director at Rowan & Blewitt, a leading issues management and crisis management organization, and Bill Reed, president and founder of Pilgrim Consulting, offer advice on how an ethics policy can help every employee make the right choices when faced with ethical dilemmas, and what the key elements of an ethics policy are. [Watch the video.](#)

### **LinkedIn Group: ASA Certificate of Excellence in Ethics: Q&A**

This is a forum where applicants and prospective applicants for the ASA Certificate of Excellence in Ethics can ask questions about the awards and the application process.

[www.linkedin.com/groups?home=&gid=3950389](http://www.linkedin.com/groups?home=&gid=3950389)

### **Guidelines for a Successful Construction Project**

Provides accepted standards of practice for the construction industry as agreed by ASA, the Associated General Contractors, and the Associated Specialty Contractors.

[Guidelines for a Successful Construction Project](#) (PDF)