

Agenda

Understanding Construction Contract Essentials

M. Jameson

Examining contract terminology: parties, consideration, term, performance, substantial performance, breach, remedies, damages
Studying roles and relationships of project participants: owners, architects/engineers, construction managers, contractors, subs and suppliers

Understanding the project delivery system: traditional design-bid-build, design-build, construction manager at risk, multiple prime contractor, owner control

Understanding types of construction contracts: lump sum, cost plus, time and materials, unit pricing

Exploring the law of construction contract interpretation

Reviewing Bidding Documents

J. Miller

| | | |
|------------|-------------|--------------|
| Invitation | Bid form | Instructions |
| Bid bond | Information | Addenda |

Reviewing Project Documents

J. Miller

Use of standard forms or custom documents

Agreement

Performance bond Payment bond

Contract conditions (general and supplementary)

Specifications (Format, CSI 1995 and 2004)

Shop drawings

Contract modifications (change orders, directives, etc.)

Understanding Issues in Contract Administration

K. Fernsler,
B. Keefer,
R. Striewig

Insurance and indemnity issues

Chain of command issues

Changes and change orders

Substantial and final completion

Subcontracts

Payments

Breach and pitfalls

Comparing Standardized Construction Documents

M. Jameson

American Institute of Architects

ConsensusDocs

Engineers Joint Contract Documents Committee (EJCDC)

Examining Legal Issues and Contract Disputes

J. Miller

Changed conditions

Project documentation

Delays, acceleration

Handling payment claims and final payments

Resolving disputes through mediation, arbitration, litigation

Understanding contractual and statutory warranties

Handling Ethical Issues in Construction Contracting

K. Fernsler

Promoting impartial, merit-based award of construction contracts

Ensuring honesty, integrity, fair-dealing and quality assurance

Creating a system of internal practices promoting contract compliance and ethical practices

Construction Contract Workshop
 Camp Hill, PA - Tuesday, November 14, 2017

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Learning Objectives

You'll be able to:

Examine contract terminology and review construction contracts used in different project delivery systems.

Understand and compare standardized construction documents, including AIA, ConsensusDocs and EJCDC.

Consider issues related to contract disputes.

Handle contract administration issues such as changed conditions, delays, and acceleration.

Discuss ways to promote contract compliance and ethical practices.



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Examine contract terminology and types of construction contracts

Review standard forms and various project and bidding documents

Explore contract administration issues such as chain of command, payments and completion

Compare standardized construction documents, including AIA and ConsensusDocs

Consider issues related to contract disputes

Discuss ways to promote contract compliance and ethical practices

Continuing Education Credits

Architects

7.0 HSW Continuing Ed. Hours

7.0 AIA HSW Learning Units

Professional Engineers

7.0 PDHs

Contractors

Non-Mandatory Continuing Ed.

Pennsylvania Attorneys

7.0 CLE Hours (1.0 Ethics)



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Faculty

D. Matthew Jameson III is a trial attorney with Babst Calland who chairs the firm's Construction Group and serves as the editor-in-chief of the firm's *Construction Law Blog*. He has significant experience in all aspects of construction law, including construction bid protests, construction contract review and drafting, and prosecution and defense of construction delay, acceleration, inefficiency claims and construction payment disputes. In addition, he has trial experience in handling complex breach of contract actions and environmental cost recovery cases. He has represented clients in trials and hearings before various courts, administrative tribunals, and alternative dispute resolution forums. Mr. Jameson received his J.D. degree, with honors, from the Rutgers University School of Law-Camden. While at Rutgers, Mr. Jameson served as editor-in-chief of the *Rutgers Law Journal*. Since 2014, Mr. Jameson has been ranked among Pennsylvania's top construction lawyers in Chambers USA's *America's Leading Business Lawyers*. He has been listed in *The Best Lawyers in America*® since 2007. Mr. Jameson has also been recognized as one of Pennsylvania's top lawyers since 2005, according to an annual survey published in *Philadelphia* magazine.

James D. Miller is a shareholder in the Litigation and Construction Services groups of Babst Calland. Mr. Miller's practice focuses primarily on commercial litigation and construction law. He has represented clients ranging from publicly-traded corporations to individuals in a variety of construction and business litigation cases in multiple state courts and federal courts. Mr. Miller advises companies in the construction and energy industries, including contractors,

subcontractors, suppliers and project owners, with issues related to contract drafting, project management, dispute resolution and general business consultation. He has experience prosecuting and defending a wide range of construction-related claims arising from private, state and federal projects. Mr. Miller received his J.D. degree from Duquesne University, where he graduated *magna cum laude* and served on the Editorial Board of the *Duquesne Law Review*. Mr. Miller is actively involved with several construction trade organizations, including the Master Builders' Association (MBA), Constructors Association of Western Pennsylvania (CAWP), American Subcontractors Association (ASA) and Pennsylvania Builders Exchange (PBX).

Kurt F. Fernsler is a shareholder in the Construction Services and Litigation Services Groups of Babst Calland and practices in the Pittsburgh as well as State College office. Mr. Fernsler has significant experience in negotiating and litigating construction and other commercial matters. His construction experience includes representing contractors, subcontractors, owners, surety companies and utilities in drafting and negotiating construction contracts and in all manner of performance and payment disputes, including payment and performance bond claims and defenses, mechanics' liens, indemnity, insurance and claims surrounding delay, acceleration and similar construction-related issues. Mr. Fernsler's experience includes litigating and arbitrating these types of issues before various state and federal courts and the American Arbitration Association. Mr. Fernsler earned his J.D. degree from the Duquesne University School of Law. He has been listed in *The Construction Law and Litigation - Construction Sections of The Best Lawyers in America*® since 2013. He has

been recognized as one of Pennsylvania's top lawyers since 2010, according to an annual survey published in *Philadelphia* magazine.

Baron S. Keefer is CEO of the Property and Casualty Division of American Insurance Administrators (AIA), which recently merged with several agencies across the United States to create the ALERA Group, the 14th largest agency in the United States. His insurance experience includes ten years with PMA Group as claims manager of the Central Pennsylvania region before joining AIA 20 years ago. At AIA, Mr. Keefer has specialized in placing insurance coverages for clients in the construction industry, and he has experience in traditional insurance as well as large deductibles, self-insurance and captives. He received his M.B.A. degree from Loyola College in Baltimore and holds a CPCU degree.

Robert N. Striewig, Jr. is senior vice president at American Insurance Administrators (AIA), part of ALERA Group, the 14th largest privately held insurance agency in the United States. Mr. Striewig manages the domestic and international surety programs between clients and surety companies throughout the US. He has over 35 years of experience in the surety industry and currently serves as a director on several boards within the industry. Mr. Striewig has also been involved on national advisory boards, is a past president of the MBX and is currently chairman of the Central Pennsylvania chapter of CFMA's annual scholarship event. He has extensive experience in mitigating claim and onerous exposures through the review and negotiations of bond forms and contract documents.

Seminar Information

Radisson Hotel Harrisburg
1150 Camp Hill Bypass
Camp Hill, PA 17011
(717) 763-7117

Registration
8:00 - 8:30 am
Morning Session
8:30 am - 12:30 pm
Lunch (On your own)
12:30 - 1:30 pm
Afternoon Session
1:30 - 5:00 pm

Tuition

\$279 for individual registration
\$259 for three or more registrations.

Each registration includes a complimentary continental breakfast and printed seminar manual.

Receive a reduced tuition rate of \$101 by registering to be our on-site coordinator for the day. For availability and job description, please visit www.halfmoonseminars.org.

How to Register

- Visit us online at www.halfmoonseminars.org
- Mail-in or fax the attached form to 715-835-6066
- Call customer service at 715-835-5900

Cancellations: Cancel at least 48 hours before the start of the seminar, and receive a full tuition refund, minus a \$39 service charge for each registrant. Cancellations within 48 hours will receive a credit toward another seminar or the CD/manual package. You may also send another person to take your place.

Continuing Education Credit Information

This seminar is open to the public and offers 7.0 HSW continuing education hours to Pennsylvania architects and 7.0 PDHs to Pennsylvania professional engineers.

This seminar is approved by the American Institute of Architects for 7.0 HSW Learning Units (Sponsor No. J885). Only full attendance can be reported to the AIA/CES.

This seminar also offers a continuing education opportunity to contractors, but it has not been submitted to any state for contractor CE credit approval.

The Pennsylvania CLE Board has approved this seminar for 7.0 CLE hours, including 1.0 ethics hour, for attorneys.

Attendance will be monitored, and attendance certificates will be available after the seminar for most individuals who complete the entire event. Attendance certificates not available at the seminar will be mailed to participants within fifteen business days.

Can't Attend? Order the CD/Manual Package:

An audio recording of this seminar is available for \$289 (including shipping). Allow five weeks from the seminar date for delivery. Please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

Additional Learning

October Webinar Series

Solar Photovoltaic Project Design and Development

- **Solar Photovoltaic Project Design and Development, Part I**
Wed., Oct. 4, 2017, 11:00 AM - 3:15 PM CDT
- **Solar Photovoltaic Project Design and Development, Part II**
Thurs., Oct. 5, 2017, 11:00 AM - 2:15 PM CDT

The Distributed Battery Webinar Series

- **The Distributed Battery Webinar, Part I**
Wed., Oct. 11, 2017, 11:00 AM - 2:15 PM CDT
- **The Distributed Battery Webinar, Part II**
Thurs., Oct. 12, 2017, 11:00 AM - 2:15 PM CDT

Designing Solar Roofs and Community Solar

- **Design Your Solar Roof**
Wed., Oct. 18, 2017, 11:00 AM - 2:15 PM CDT
- **Community Solar**
Thurs., Oct. 19, 2017, 11:00 AM - 2:15 PM CDT

For more information visit:
www.halfmoonseminars.org/webinars/

Registration

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| How to Register | |
|---|--|
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| Phone: 715-835-5900 | |
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| Complete the entire form. Attach duplicates if necessary. | |
| Registrant Information Name: _____ Company/Firm: _____ Address: _____ City: _____ State: _____ Zip: _____ Occupation: _____ Email: _____ Phone: _____ | |
| Additional Registrants: Name: _____ Occupation: _____ Email: _____ Phone: _____ Name: _____ Occupation: _____ Email: _____ Phone: _____ | |
| Email address is required for credit card receipt, program changes, and notification of upcoming seminars and products. Your email will not be sold or transferred. | |
| () I need special accommodations. Please contact me. | |

Tuition

- () **I will be attending the live seminar.** Single Registrant - **\$279.00**. Three or more registrants from the same company registering at the same time - **\$259.00** each.
- () **I am not attending.** Please send me the CD manual package for **\$289.00**. (S&H included. Please allow five weeks from seminar date for delivery)

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