

Agenda

Presented by Vic L. McConnell and Gregory L. Cashion

Competing for the Construction Contract

Key concepts for competitive bidding
Understanding the concept of responsive and responsible bidder
How to handle bid mistakes and bid protests

Understanding Construction Contracting Essentials

Examining the alternate contracting methods: lump sum, cost plus, time and materials, unit pricing
Understanding the project delivery system: traditional design-bid-build, design-build, construction manager at risk, multiple prime contractor

Reviewing Key Elements of the Contract Documents

Use of standard forms or custom documents
Contract conditions (general and supplementary)
Shop drawings
Contract modifications (change orders, directives, etc.)
Construction bonds

Interpreting the Construction Contract

Examining project participant roles and responsibilities
Examining key risk shifting contract terms
Exploring construction contract interpretation

Understanding Issues in Contract Administration

Insurance and indemnity issues	Subcontracts
Changes and change orders	Payments
Substantial and final completion	Material breach

Examining Legal Issues and Contract Disputes

Changed and differing site conditions
Delays and acceleration
Handling payment claims and final payments
Understanding final closeout and warranties

Risk Management and Dispute Avoidance

Key contract provisions governing disputes
Key project documentation for risk management
Resolution of disputes

Handling Ethical Issues in Construction Contracting

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
Nashville, TN - Friday, January 19, 2018

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Altoona, WI 54720-0278



Learning Objectives

You'll be able to:

Understand alternate contracting methods and project delivery systems.

Examine key concepts for competitive bidding.

Define project participant roles and responsibilities.

Discuss ways to promote contract compliance and ethical practices.

Explain contract administration issues such as changes, payments, insurance and indemnity.

Consider contract provisions governing disputes and dispute resolution.



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Define project participant roles and responsibilities

Examine key concepts for competitive bidding

Explain contract administration issues such as changes, payments, insurance and indemnity

Understand alternate contracting methods and project delivery systems

Consider contract provisions governing disputes and dispute resolution

Discuss ways to promote contract compliance and ethical practices

Continuing Education Credits

Professional Engineers

7.0 HSW PDHs

Contractors

Non-Credit Continuing Ed.

Architects & Registered Interior Designers

7.0 HSW PDHs

7.0 AIA HSW Learning Units



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Faculty

Vic L. McConnell
Partner with Smith Cashion & Orr, PLC in Nashville, TN
Mr. McConnell represents owners, developers, contractors, and design professionals and concentrates his practice in the areas of construction litigation and design professional defense. He received a Bachelor’s degree in Civil Engineering from Auburn University and a Master of Science degree in Civil/Environmental Engineering from the University of Alabama at Birmingham. Mr. McConnell also received a Master of Science degree in Environmental Management from Samford University and a J.D. degree from Samford’s Cumberland School of Law. Prior to obtaining his law degree, Mr. McConnell worked in the construction industry as a design engineer/project manager with several engineering-consulting firms in the southeast. Mr. McConnell is a registered professional engineer and a LEED® AP. Furthermore, he is on the Legislative and Governmental Affairs Committee for the Tennessee Society of Professional Engineers Nashville Chapter and has served as board member and president of the Tennessee Association of Construction Counsel. Mr. McConnell has co-authored several publications related to construction law including the Tennessee chapter of *State-by-State Guide to Construction Contracts and Claims* (Aspen Publishers). He teaches Construction Law and Contracts as an adjunct professor for Vanderbilt University’s School of Engineering.

Gregory L. Cashion
Founding partner of Smith Cashion & Orr, PLC
Mr. Cashion devotes his practice to construction law and litigation. He earned a BS degree in Civil Engineering, *magna cum laude*, from the University of Tennessee at Knoxville (1979). Mr. Cashion worked as a co-op engineer for CFW Construction Company, Inc., and after graduating, he worked as a project manager for Charles Blalock & Sons, Inc., and as a structural engineer for United Engineers & Contractors at TVA’s Watts Bar Nuclear Plant. Mr. Cashion is a registered professional engineer in Tennessee. In 1983, Mr. Cashion earned his JD degree from the University of Tennessee School of Law and began practicing law with a Nashville law firm until co-founding Smith Cashion & Orr, PLC in 1998. He is an adjunct professor for Vanderbilt University, College of Engineering where he teaches construction law and contracts in a graduate program. He has earned the Leadership in Energy and Environmental Design Accredited Professional (LEED AP) credential. Mr. Cashion is a member of the National Society of Professional Engineers and the Tennessee Society of Professional Engineers. He is a certified mediator and arbitrator with the American Arbitration Association. Mr. Cashion was a member of the Governing Committee of the ABA, Forum on the Construction Industry (2008-2011). He is a member of the Tennessee Association of Construction Counsel, for which he served on the Executive Committee for six years, and as president in 2009. Mr. Cashion has co-authored several publications.

Seminar Information

Scarritt-Bennett Center
1008 19th Avenue South
Nashville, TN 37212
(615) 340-7500

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 PDHs/continuing education hours to engineers and architects in most states, including Tennessee. This course also offers 6.5 PDHs to Tennessee registered interior designers. Educators and courses are not subject to preapproval in Tennessee.

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.

HalfMoon Education is deemed an approved architect continuing education sponsor in New York. HalfMoon Education is an approved continuing education sponsor for engineers in Florida, Indiana, Louisiana, Maryland, New Jersey (Approval No. 24GP00000700), New York (NYSED No. 35), North Carolina, and North Dakota.

This seminar offers a non-credit continuing education opportunity to construction contractors. It has not been approved by any state contractor licensing board for mandatory continuing education credit.

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.

Additional Learning

- Webinar Series**
- Stormwater Management Systems**
- **Basics of Stormwater Regulations and Requirements, Including new EPA Regulations**
Thurs., Nov. 9, 2017, 11:00 AM - 12:00 PM CST
 - **Working with the MS4 Regulator**
Thurs., Nov. 9, 2017, 12:30 - 2:00 PM CST
 - **Site Planning and Choosing Stormwater Best Management Practices**
Fri., Nov. 10, 2017, 11:00 AM - 12:00 PM CST
 - **Long-Term Stormwater Management Practices**
Fri., Nov. 10, 2017, 12:30 - 2:00 PM CST

- Cogeneration System Principles and Practice**
- **Understanding the Benefits of Cogeneration**
Thurs., Nov. 16, 2017, 11:00 AM - 12:30 PM CST
 - **Laws, Regulations and Building Codes Impacting Cogeneration**
Thurs., Nov. 16, 2017, 1:00 - 2:30 PM CST
 - **Examining Cogeneration Technologies**
Fri., Nov. 17, 2017, 11:00 AM - 12:30 PM CST
 - **Moving to Cogeneration: Analysis, Modeling and Case Studies**
Fri., Nov. 17, 2017, 1:00 - 2:30 PM CST

- Solar Photovoltaic Project Design and Development**
- **Solar Photovoltaic Project Design and Development, Part I**
Thurs., Nov. 30, 2017, 11:00 AM - 3:15 PM CST
 - **Solar Photovoltaic Project Design and Development, Part II**
Fri., Dec. 1, 2017, 11:00 AM - 2:15 PM CST

- Construction Cost Estimating**
- **Introduction to Cost Estimating**
Thurs., Dec. 7, 2017, 11:00 AM - 12:30 PM CST
 - **Cost Components - A Closer Look at the Estimates**
Thurs., Dec. 7, 2017, 1:00 - 3:00 PM CST
 - **Cost Estimate Organization**
Fri., Dec. 8, 2017, 11:00 AM - 1:00 PM CST
 - **Cost Estimating Topics**
Fri., Dec. 8, 2017, 1:30 AM - 3:00 PM CST

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

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.

Registration

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How to Register		Registrant Information
Online: www.halfmoonseminars.org		Name: _____
Phone: 715-835-5900		Company/Firm: _____
Fax: 715-835-6066		Address: _____
Mail: HalfMoon Education Inc., PO Box 278, Altoona, WI 54720-0278		City: _____ State: _____ Zip _____
Complete the entire form. Attach duplicates if necessary.		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)
Checks: Make payable to HalfMoon Education Inc.
Credit Card: <i>Mastercard, Visa, American Express, or Discover</i>
Credit Card Number: _____
Expiration Date: _____ CVV2 Code: _____
Cardholder Name: _____
Billing Address: _____
City: _____ State: _____ Zip: _____
Signature: _____
Email: _____