

Agenda

Construction Contracting in Traditional and Alternative Project Delivery Systems: Finding the Framework That’s Right for the Owner and the Project

James Dixon

Legal rights/duties of construction entities: contractors, design services firms, subcontractors and suppliers
Design-bid-build: entering into construction contracts and agreements in the traditional construction process
Design-build: contractor-led, designer-led, joint venture
Construction manager and construction manager-at-risk

Protecting the Owner and the Project: Insurance and Bonding Issues in Construction

Gabrielle Kelly

Types of construction bonds

- Performance
- Alternatives to bonds
- Payment

Types of insurance

- Commercial general liability insurance
- Builder’s risk insurance
- Errors and omissions insurance
- Additional/alternative insurance

Claims and notice issues

Making Changes and Resolving Disputes during the Construction Process

Phil Truax

Making changes to the contract and contracted work

- The contract change clause
- Types of changes: ordered and constructive changes
- Requirements for making changes
- Liability issues

Solving problems during the construction process

- Site conditions
- Delays
- Disruption
- Acceleration
- Accidents

Ensuring Environmental Compliance during the Construction Process

Meagan Moore

Stormwater management
Erosion and sedimentation control
Water quality preservation
Air quality preservation

Improving the Project Outcome with Accurate and Effective Construction Contracting

J. Norman Stark

Understanding contract terminology
Forming contracts
Understanding contract obligations
The law governing construction contracts:
the Uniform Commercial Code (UCC) and applicable state laws
Subcontract formation and administration

Construction Law

Middleburg Heights, OH - Wednesday, January 31, 2018



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Learning Objectives

You’ll be able to:

Compare construction project delivery systems such as design-bid-build, design-build and CM-at-risk.

Understand how and when to use construction bonding and review different types of construction insurance.

Adopt practices that reduce environmental issues in the construction process.

Use construction contracts to improve project outcome.

Handle changes and disputes that arise during the construction process.



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Find the construction project delivery system that’s right for the project

Understand insurance and bonding issues in construction

Utilize construction contracts to improve project outcomes

Make changes to contracted work

Solve problems during the construction process

Comply with water quality and air quality regulations

Continuing Education Credits

Architects
6.5 HSW Continuing Ed. Hours
6.5 AIA HSW Learning Units

Professional Engineers
6.5 PDHs

Construction Contractors
Non-Credit Continuing Ed.



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James Dixon *Brouse McDowell, LPA, Cleveland, OH*
Mr. Dixon is a partner of the law firm of Brouse McDowell, where he is a co-chair of the firm's Real Estate & Construction practice group. Since 1997, Mr. Dixon has represented project developers, property owners, contractors, subcontractors, suppliers, sureties, and design professionals. His work involves contract preparation and negotiation, contract administration, and dispute resolution. Mr. Dixon is a member of the Construction Industry Forum of the American Bar Association and the American Arbitration Association's Panel of Neutrals. He is admitted to practice in California and Ohio state courts and United States District Courts in Ohio and California. Mr. Dixon earned a B.A. degree from Denison University and a J.D. degree from the Case Western Reserve University School of Law, where he served as editor-in-chief of the law review.

Gabrielle Kelly *Partner with the Insurance Recovery and Litigation Practice Groups at Brouse McDowell, LPA*
Working primarily in the area of insurance coverage, Ms. Kelly counsels and represents policyholders in various disputes, including bad faith, environmental, property, director and officer claims, and construction liabilities. Further, she has represented clients at all stages of litigation in various matters, including construction, premises and product liability cases, and complex business disputes. She has a J.D. degree from Case Western Reserve University and a B.A. degree in sociology and political science from Boston University.

Seminar Information

Crowne Plaza Cleveland Airport 7230 Engle Road Middleburg Heights, OH 44130 (440) 243-4040	Registration 8:00 - 8:30 am Morning Session 8:30 - 11:45 am Lunch (On your own) 11:45 am - 12:45 pm Afternoon Session 12:45 - 4:30 pm
Tuition \$279 for individual registration \$259 for three or more registrations.	

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

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Phil Truax *Wickens, Herzer, Panza, Cook & Batista Co., Avon, OH*
Mr. Truax chairs the Real Estate & Construction Department and serves on the firm's Executive Committee and Board of Directors. He focuses primarily on construction and real estate matters, and litigating business disputes. Mr. Truax works with contractors, subcontractors, material suppliers, and design professionals to negotiate their contracts; manage project-specific risks; and preserve, pursue, and defend claims in connection with public and private improvement projects. Prior to practicing law, he worked in the field for multiple contractors, giving him invaluable experience in various areas of construction. That practical knowledge has allowed Mr. Truax to develop a practice of advising and counseling clients to assess and manage risk in construction, manufacturing and various other industries. Mr. Truax also routinely represents companies and individuals in commercial disputes, including litigating trade secret, non-competition, and other complex contract and tort claims. Throughout his career, Mr. Truax has litigated and tried numerous actions to judgment in state and federal courts, as well as in private arbitrations. Mr. Truax has been recognized in 2014 through 2017 as an Ohio Super Lawyers Rising Star.

Meagan Moore *Partner with Brouse McDowell, LPA*
Ms. Moore has developed a broad knowledge of environmental laws and regulations and advises her clients on ways to avoid or eliminate environmental issues that could prevent them from reaching their corporate growth goals. As a partner at Brouse McDowell, she provides regulatory compliance support to the

Continuing Education Credit Information

This live lecture presentation is open to the public and offers 6.5 HSW continuing education hours to architects and 6.5 PDHs to professional engineers in Ohio. Educators and courses are not subject to preapproval in Ohio.

This seminar is approved by the American Institute of Architects for 6.5 HSW Learning Units (Sponsor No. J885). Only full attendance can be reported to the AIA/CES.

Architects and engineers seeking continuing education credit in other states will be able to apply the hours earned at this seminar, in most cases. Refer to specific state rules to determine eligibility.

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

firm's industrial and municipal clients in matters relating to water, air, solid waste, and hazardous waste, and when compliance issues escalate she has successfully negotiated with state and federal agencies to resolve enforcement matters to her clients' benefit. Ms. Moore also has experience in assisting clients in reducing exposure to environmental liabilities in corporate and real estate transactions. She works with clients, whether buying or selling companies or pieces of real estate, to achieve a clear picture of potential environmental liabilities at issue, and then works to draft and negotiate contract language to minimize environmental risks. She also has experience in securing environmental liability insurance. In real estate matters, Ms. Moore has worked with clients to secure the purchase of blighted property and has been actively involved in moving many such sites through Ohio's Voluntary Action Program.

J. Norman Stark *Speaker, Attorney and Architect Emeritus at J. Norman Stark Offices*
Mr. Stark is an attorney-at-law, an architect emeritus, (AIA, NCARB), registered landscape architect (OH), mediator, arbitrator and litigator, with more than 40 years of combined professional experience and practice, beginning as a trade carpenter in 1952. Mr. Stark is an experienced trial attorney with a professional specialty as an architect. In his combined professions, he has tried, won, and resolved more than 5,000 contested cases, claims and legal matters, serving clients and providing other attorneys with forensic architect expertise and expert witness services from his office in Cleveland, Ohio.

Additional Learning

Webinar Series

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

International Energy Conservation Code

- **International Energy Conservation Code, Part I**
Thurs., Dec. 21, 2017, 8:00 - 11:00 AM CST
- **International Energy Conservation Code, Part II**
Thurs., Dec. 21, 2017, 12:00 - 3:00 PM CST

For more information visit:
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Can't Attend? Order the CD/Manual Package:

A full recording of this seminar is available for \$289, which includes shipping and handling. This learning method does not qualify for the continuing education credit for Ohio architects or engineers. Please allow five weeks from the seminar date for delivery.

Registration

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