

Agenda

Examining contract terminology

James McMahon

Parties, consideration, term, performance,
substantial performance, breach, remedies, damages
Understanding types of construction contracts:
• Stipulated sum • Cost plus fee
• Design build • Construction management
Understanding roles and relationships of project participants:
• Owners, architects/engineers, construction managers,
contractors, subs and suppliers
Contract negotiation and drafting
Exploring the law of construction contract interpretation

The Primary AIA Contract Documents

Andrew Carlowicz

A101-2017 Standard Form of Agreement Between Owner and
Contractor (Stipulated Sum)
B101 - 2017 Standard Form of Agreement Between Owner and
Architect
A133-2009 Standard Form of Agreement Between Owner and
Construction Manager Where Construction Manager is also Constructor
A141 - 2014 Standard Form of Agreement Between
Owner and Design Builder
A401 - 2017 Standard Form of Agreement Between Contractor and
Subcontractor
C401 - 2017 Standard Form of Agreement Between Architect and Consultant

AIA A201: General Conditions

Eric Abraham

Overview of new updates to AIA documents
General provisions
Project participants: owner, contractor, architect, engineer,
subcontractors
Changes in the work
Time, payments and completion
Protection of persons and property, insurance and bonds
Defects in and correction of work
Miscellaneous provisions
Termination, suspension, claims and disputes

Supplemental or Alternate AIA Contract Documents

Gary Strong

A105-2017 Standard Form of Agreement Between Owner and
Contractor for a Residential or Small Commercial Project
A107-2017 Standard Form of Agreement Between Owner and Contractor
for a Project of Limited Scope
B105-2017 Standard Form of Agreement Between Owner and Architect
for a Residential or Small Commercial Project
The "SP" Series for Sustainable Projects
AIA Contract Documents for Digital Practice

Case Study: Reviewing Completed Contract Documents for a Sample Project

Gary Strong

AIA Contract Document Workshop
Princeton, NJ - Wednesday, April 11, 2018

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Learning Objectives

You'll be able to:

Review the legal rights and duties of various construction entities including contractors, design firms and suppliers.

Utilize standard AIA documents for a variety of different scenarios including agreements between an owner and an architect as well as agreements between contractors and subcontractors.

Understand how to use the A201 General Conditions documents to specify insurance and bonding as well as other construction conditions.

Use AIA contract documents for sustainable projects.



AIA Contract Document Workshop

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Examine the new 2017 updates to the AIA contract Documents
Understand the basics of construction contracting
Understand how to utilize the AIA A201 General Conditions documents

Review supplemental AIA contract documents and documents for alternative projects
Discuss contract provisions on termination, suspension, claims and disputes

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James McMahon *Partner at Lewis & McKenna, Saddle River, NJ*
Mr. McMahon is a member of the State bars of New York, New Jersey, and Massachusetts, in addition to the Federal District Courts of New Jersey, New York, and the Third Circuit Court of Appeals. Prior to undertaking the practice of law, Mr. McMahon worked as a laborer, surveyor, and field engineer for a large civil construction company, working on such projects as the CA/T (Big Dig) Project, and the billion-dollar electrification of the Northeast Corridor. He is an active member of the New Jersey Construction Law Section, serving as co-vice chair of the Section, and he will soon take over the position of chair of the Section. Mr. McMahon is also an active member of the New Jersey Association of General Contractors, and the New Jersey Utility and Transportation Contractors Association, serving on the Association’s Legislative Affairs Committee. He has published many articles in legal and industry publications, including a chapter in Aspatore’s *Inside the Minds: Government Contract Bid Protest*. Mr. McMahon practices in the areas of construction, commercial litigation, and maritime collection actions and has been named a Superlawyer Rising Star. He has been named one of New Jersey’s 40 Under 40 most accomplished and young dynamic business leaders by *New Jersey Business Magazine*.

Andrew Carlowicz *Partner at Hoagland, Longo, Moran, Dunst & Doukas, LLP in New Brunswick, NJ*
Mr. Carlowicz serves as co-chair of the firm’s Construction Law Department. He received a B.S. degree from the University of Scranton in 1980, and a J.D. degree from Catholic University of

America in 1983. He is corporate counsel for numerous design professional firms throughout New Jersey, and he frequently provides non-litigation counsel to design professionals and construction contractors. Mr. Carlowicz is a member of the New Jersey State Bar Association’s Construction Industry Section, and he is an associate member of ACEC-NJ. He is an approved arbitrator for construction industry disputes brought before the AAA, and he recently completed the 5 day/40 hour AAA training to become a mediator.

Eric Abraham *Partner at Hill Wallack, LLP in Princeton, NJ*
Mr. Abraham is a partner in the Princeton office of Hill Wallack LLP. He leads the Firm’s Complex Litigation practice group, and is a member of the Firm’s Banking & Financial Services, Redevelopment and Life Sciences practice groups. Equally skilled in the board room and the court room, Mr. Abraham counsels his clients in a wide variety of practice areas and across industries. Banks, pharmaceutical companies, developers and business owners all rely upon Mr. Abraham’s legal advice to solve their most difficult problems. In the development and redevelopment practice areas, Mr. Abraham draws on a wealth of experience in environmental law, land use law, regulatory/ administrative law, and construction law to solve his client’s most pressing problems. Mr. Abraham’s assignments have included high-profile redevelopment projects in New Jersey’s largest cities, disputes relating to water and sewer resource allocation for new developments, complex construction defect suits, and environmental remediation suits. He received his law degree from

Seton Hall University School of Law and graduated *cum laude*. During law school, he served as an editor of the *Seton Hall Law Review*. Mr. Abraham is a graduate of Franklin & Marshall College.

Gary Strong *Partner at Seiger Gfeller Laurie, LLP in Princeton, NJ*
Mr. Strong focuses his practice in the areas of construction litigation and professional malpractice defense including representation of design professionals, insurance brokers, real estate agents, lawyers, and accountants in the state and federal courts of New Jersey and New York. He has represented a variety of clients in the construction arena, including project owners, developers, design professionals, general and prime contractors, and specialty trade contractors, in all phases of construction and commercial litigation. Mr. Strong regularly counsels clients during pre-construction and construction phases on issues including contract negotiations, risk management, and disputes. His representation extends to both public and private projects, and addresses payment claims, delay, acceleration, design issues, lien law, bond claims, surety issues, defective work, and wrongful termination. He has extensive experience in construction lien foreclosure actions involving the New Jersey construction lien law and New Jersey’s municipal mechanics’ Lien Law. Mr. Strong was recently appointed to serve on the Young Leadership Committee of the ACEC. He is editor of the *Construction Law Newsletter* of the Construction Law Section of the New Jersey State Bar. He earned his Juris Doctorate from Rutgers Law School-Newark where he was a member of the *Rutgers Law Record*.

Additional Learning

February Webinar Series

International Mechanical Code

- **International Mechanical Code Background and Application**
Thurs., Feb. 15, 2018, 11:00 AM - 12:30 PM CST
- **Chapters 2-5: Definitions, Regulations and Ventilation**
Thurs., Feb. 15, 2018, 1:00 - 3:00 PM CST
- **Chapters 6-10: Ventilation, Appliances and Equipment**
Fri., Feb. 16, 2018, 11:00 AM - 1:00 PM CST
- **Chapters 11-15: Refrigeration, Piping and Appendices**
Fri., Feb. 16, 2018, 1:30 - 3:00 PM CST

For more information visit:
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Registration

AIA Contract Document Workshop
Princeton, NJ - Wednesday, April 11, 2018

How to Register	
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This seminar is open to the public and offers up to 7.0 CPC credits/PDHs to professional engineers and 7.0 HSW continuing education hours to architects in all states, except Florida architects. HalfMoon Education is an approved continuing education provider for New Jersey engineers (Approval No. 24GP00000700).

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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 York (NYSED Sponsor No. 35), North Carolina, and North Dakota.

This seminar offers a non-credit continuing education opportunity to contractors; it has not been approved in any state that has a contractor continuing education requirement.

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.

