

Agenda

Understanding Construction Contract Essentials

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

P. McNamara,
B. Haefele

Reviewing Bidding Documents

Invitation	Bid form	Instructions
Bid bond	Information	Addenda

P. McNamara,
B. Haefele

Reviewing Project Documents

Use of standard forms or custom documents
Agreement
Payment bond
Contract conditions (general and supplementary)
Specifications (Format, CSI 1995 and 2004)
Shop drawings
Contract modifications (change orders, directives, etc.)

P. McNamara,
B. Haefele

Understanding Issues in Contract Administration

Insurance and indemnity issues	Bonds
Subcontracts/Flow down provisions	Payments
Changes and change orders	Mechanic's Liens / Stop Notices
Substantial and final completion	

D. Steinberg,
M. Middleton

Examining Legal Issues and Contract Disputes

Changed conditions
Delays, acceleration
Handling payment claims and final payments
Resolving disputes through mediation, arbitration, litigation
Understanding contractual and statutory warranties

T. Boeck

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

T. Boeck

Construction Contract Workshop

Rancho Cordova, CA - Tuesday, April 24, 2018



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Altoona, WI 54720-0278

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Learning Objectives

You'll be able to:

- Understand** types of construction contracts: lump sum, cost plus, time and materials, and unit pricing.
- Examine** bid documents, including bid forms, instructions and bid bonds.
- Review** project documents, including agreements and general contract conditions.
- Examine** insurance and indemnity issues, chain of command issues and other contract administration issues.
- Get** tips resolving disputes through mediation, arbitration and litigation.
- Handle** ethical issues and promote impartial, merit-based award of construction contracts.



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- Explore** construction contract types including lump sum, cost plus and unit pricing
- Review** bidding documents: invitation, bid form, instructions, etc.
- Understand** issues in contract administration
- Review** agreements and contract conditions
- Get** tips on making changes to contracts
- Examine** how to handle ethical issues in construction contracting

Continuing Education Credits

- Architects**
7.0 HSW Continuing Ed. Hours*
7.0 AIA HSW Learning Units
- Professional Engineers**
7.0 PDHs
- Contractors**
Non-Credit Continuing Ed.
- *does not qualify for California accessibility requirement





Patrick McNamara
Shareholder with Porter Law Group, Inc. in Sacramento
Mr. McNamara brings 19 years of experience as an attorney and 29 years of experience in real estate and construction to his practice. His construction experience includes field and office engineer positions with large contractor companies such as Beck Company, Hensel Phelps Construction and Bechtel Asia. Mr. McNamara is also a California-licensed real estate broker. Mr. McNamara’s construction practice includes contract drafting and negotiation and dispute resolution on private and public sector projects. His clients consist of general contractors, specialty contractors, design/builders, material suppliers, developers, owners, buyers and sellers. Types of disputes include contract breach, contractor and owner termination, project changes and delays, payment, design errors and omissions, construction defects, subcontractor disputes, seller disclosure, and insurance matters. Since 2001, Mr. McNamara has taught the construction law course for the Sacramento State Construction Management program.

Brittany Rupley Haefele
Shareholder with Porter Law Group, Inc. in Sacramento
Ms. Haefele’s practice focuses primarily on litigation, arbitration and mediation in the areas of construction law, surety, real estate, employment and union disputes. She also represents her clients in business transactions, entity formation/governance and intellectual property matters. Ms. Haefel’s prior experience includes the defense of insurance companies, employers and third-party administrators in workers’ compensation matters. She serves on the Board of Directors for the Sacramento Chapter of Associated Subcontractors Alliance

Seminar Information

Sacramento Marriott Rancho Cordova
11211 Point East Drive
Rancho Cordova, CA 95742
(916) 638-1100

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

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- 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.

and is a member of the legal counsel committee for Sacramento Regional Builders Exchange. Ms. Haefele also serves on the dispute resolution panel for the Superior Court of California, County of El Dorado, and is a member of the Association of Defense Counsel of Northern California and Nevada.

Daniel M. Steinberg
Shareholder with Trainor Fairbrook in Sacramento
Mr. Steinberg is the chair of the firm’s Construction Department. His practice focuses on construction and real property matters, including negotiation and preparation of construction documents and litigation of contract disputes, construction defect issues, mechanic’s liens, lease disputes, rent actions and ADA defense matters. Mr. Steinberg has extensive experience in the representation of developers, land owners, contractors, subcontractors and design professionals who seek guidance on construction projects and the resolution of claims that may arise before, during or after their project. His extensive construction background, and previous work in the construction industry, has contributed to his successful representation of Sacramento’s most prominent developers. Mr. Steinberg is the chair of the Sacramento County Bar Association Construction Section. Mr. Steinberg was the 2017 President of the Construction Law Section of the Sacramento County Bar Association and is serving as its Secretary for 2018.

Michael Middleton
Shareholder with Trainor Fairbrook in Sacramento
Mr. Middleton is a senior construction attorney and shareholder in Trainor Fairbrook’s Construction Litigation Department. His background as an attorney embraces a broad practice of representing

Continuing Education Credit Information

This seminar is open to the public and offers 7.0 HSW continuing education hours to architects 7.0 PDHs to professional engineers in all states with continuing education requirements, excluding Florida architects. *This seminar does not qualify for California’s mandated accessibility continuing education requirement.*

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, Louisiana, Maryland, New Jersey, New York (NYSED Sponsor No. 35), North Carolina, and North Dakota.

This course also offers a non-credit continuing education opportunity for construction contractors. Credit approval is not being sought in any state with 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.

clients in the areas of construction, business and employment law. Mr. Middleton has over two decades of experience in civil litigation and alternative dispute resolution, and he has successfully participated in numerous jury trials, administrative hearings, binding arbitrations and mediations of construction, employment and contract disputes. His practice emphasizes all aspects of the construction industry, including construction defect actions, the review and resolution of construction claims and construction-related litigation in state and federal courts throughout California. Mr. Middleton is the 2018 chair of the Construction Law Section of the Sacramento County Bar Association. He is a Judge Pro Tem for El Dorado County and also acts as a private mediator and arbitrator in a variety of construction and employment matters.

Tamara L. Boeck
Partner with Stoel Rives LLP in Sacramento
Ms. Boeck presently serves as chair of the firm’s Real Estate and Construction Development Group. She routinely advises owners, developers and general contractors primarily in California, Idaho and Nevada. Ms. Boeck works with clients on a wide range of projects including commercial, residential and mixed-use projects, as well as construction-related aspects of oil and gas, mining, food processing, solar, wind, geothermal, biofuel, wastewater treatment and other industrial facilities. In addition to counseling her clients on ways to avoid protracted litigation through thoughtful negotiations and effective contracts, she handles construction disputes from mediation through litigation or arbitration. With her depth of experience, she is able to assist and protect her clients in arbitration or trial when a pragmatic business resolution is not available.

Additional Learning

Webinar Series

Handling Ethical Issues in Professional Engineering Practice
Fri., Mar. 9, 2018, 11:00 AM - 12:00 PM CST

Deep Excavations

- **Introduction to Deep Excavations**
Thurs., Mar. 15, 2018, 11:00 AM - 1:00 PM CDT
- **Soil Mechanics, Cantilever Walls and Anchored Sheet Pile Walls**
Thurs., Mar. 15, 2018, 1:30 - 3:00 PM CDT
- **Braced Excavation Design**
Fri., Mar. 16, 2018, 11:00 AM - 12:30 PM CDT
- **ASD and LRFD Design**
Fri., Mar. 16, 2018, 1:00 - 2:30 PM CDT

For more information visit:
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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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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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