

Agenda

Construction Contract Interpretation and Risks

Consequential damages
Contractual notice provisions
Payment terms
Change orders
Termination
Breach of contract
Election of remedies

M. Baeza,
J. Feuille

Issues with Bids

Bid bonds
Preferences in governmental bids
Mistakes in bidding
Bid protests

R. Feuille,
A. Velazquez

Issues Involving Design Professionals

Certificates of merit
Errors and omissions insurance
Liability of design professionals
Standard of care
Statutes of limitations and repose
Managing “green” expectations

R. Feuille,
A. Velazquez

OSHA Issues

Citations and defense of citations
Penalties
Administrative hearings
Handling employee issues

H. Paoli

Liens and Bond Claims

Asserting liens
Lien releases and waivers
Payment bond claims

M. Baeza

Claims and Contract Disputes

Liquidated damages
Delay claims
Changed conditions
Handling payment claims and final payments
Resolving disputes through mediation, arbitration, litigation
Understanding contractual and statutory warranties

H. Paoli

Comparing Standardized Construction Documents and Texas Law

American Institute of Architects
ConsensusDocs
Standard forms v. customized documents

J. Feuille,
A. Velazquez

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Construction Contract Workshop
El Paso, TX - Friday, April 20, 2018

Halfmoon Education Inc.
PO Box 278
Altoona, WI 54720-0278



Learning Objectives

You'll be able to:

Understand standard contract clauses on changes, payment, breach of contract and damages.

Discuss issues with bid bonds and learn about bid protests.

Examine the contractual liability of design professionals.

Explore payment claims, liens and bond claims.

Consider the impact of using standardized construction agreements vs. customized documents.



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Understand standard contract terminology

Discuss the contractual responsibilities of design professionals

Review safety and OSHA issues

Examine common issues with bids, bonds and liens

Handle contract disputes

Compare AIA and ConsensusDocs standard document series

Continuing Education Credits

Professional Engineers

6.0 PDHs

Architects

6.0 HSW CEPs/CE Hours
6.0 AIA HSW Learning Units

Contractors

Non-Credit Continuing Ed.



HalfMoon Education Inc.
WWW.HALFMOONSEMINARS.ORG



Faculty

Melissa Baeza
Attorney and Shareholder with ScottHulse in El Paso
Ms. Baeza is an attorney in ScottHulse's Construction Law practice group. She has advised and represented owners, general contractors, subcontractors and engineers in all phases of public and private construction with pre-litigation matters and litigation matters. Ms. Baeza has experience drafting and interpreting construction contracts for owners, general contractors and subcontractors. Ms. Baeza also practices in the area of commercial litigation with experience in various types of disputes, including breach of fiduciary duty claims, professional liability claims, breach of contract claims, fraud claims, and violations of the Texas Deceptive Trade Practices Act. She is a member of the American Bar Association's Forum on the Construction Industry and the Texas State Bar's Construction Law Section. Ms. Baeza is also an active member in the National Association of Women in Construction, El Paso Chapter 248.

James M. H. Feuille
Associate Attorney with ScottHulse in El Paso
Mr. Feuille practices in the areas of commercial litigation, construction law, creditors' rights and bankruptcy, and labor and employment law. He is licensed to practice law in both Texas and New Mexico and in several federal courts. Mr. Feuille has represented owners, contractors, and subcontractors in various disputes, including litigation, mediation, lien disputes and contract negotiating and drafting. As a commercial litigator, he has successfully first-chaired two jury trials and one bench-trial. Mr. Feuille is a graduate of the

Greater El Paso Chamber of Commerce's Leadership El Paso Class XXXVII, and he is a member of the El Paso Bar Association, the Federal Bar Association, and the El Paso Young Lawyers Association. Additionally, he is a graduate of the 2016 Texas Association of Defense Counsel (TADC) Trial Academy.

Robert R. Feuille
Attorney and Shareholder with ScottHulse in El Paso
Mr. Feuille is primarily involved in the Construction Law, Litigation, Creditors' Rights, and Bankruptcy & Restructuring practice groups. He has successfully tried cases in federal court, bankruptcy court, and state court. As a leading El Paso construction attorney and a founding member of ScottHulse's Construction Law practice group, Mr. Feuille represents owners, contractors, subcontractors, suppliers, construction managers, architects, engineers and sureties in a variety of contexts, both in and out of court, including litigation, arbitration, mediation, appeals, bid contests, lien disputes, claims, contract negotiations and contract drafting. As a member of the Firm's Litigation practice group, he handles a variety of litigation, including construction litigation, bid contests, partnership disputes, shareholder litigation, real estate litigation, condemnation and land use litigation, boundary and easement disputes, property rights, property tax litigation, annexation appeals, fraud, deceptive trade practices, fiduciary litigation, accounting malpractice, contract disputes, insurance litigation, will contests and probate litigation.

Andrew Velazquez
Associate Attorney with ScottHulse in El Paso
Mr. Velazquez's practice focuses on general commercial litigation, labor and employment and business disputes. He has participated in the Entrepreneurship and Community Development Clinic at UT Law, where he provided legal assistance to a small, Austin-based LLC by drafting a business venture agreement with a large foreign corporation. Mr. Velazquez additionally helped a local non-profit by drafting independent contractor agreements and by providing asset building strategies.

Henry Paoli
Attorney and Shareholder with ScottHulse in El Paso
Mr. Paoli is a litigation attorney who practices in the areas of commercial litigation and healthcare litigation, as well as appeals and appellate law. In addition to chairing the Firm's Litigation and Appellate Law sections, he is also a construction lawyer with experience in all aspects of construction law. In the commercial litigation area, his experience includes the defense and prosecution of breach of contract claims, fraud claims, and business disputes. As a member of the firm's Construction Law practice group, Mr. Paoli has advised and represented construction companies, contractors and real estate professionals. He also regularly represents clients in the defense of OSHA citations, filing and enforcing mechanic's liens, and enforcing claims in connection with payment or performance bonds for construction projects. Mr. Paoli has presented numerous seminars to contractors in the construction industry. He is an active member of the El Paso Chapter of the Associated General Contractors.

Seminar Information

Radisson Hotel El Paso Airport
1770 Airway Blvd.
El Paso, TX 79925
(915) 772-3333

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

Registration
8:00 - 8:30 am

Morning Session
8:30 am - 12:00 pm

Lunch (On your own)
12:00 - 1:00 pm

Afternoon Session
1:00 - 4:00 pm

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 6.0 PDHs to professional engineers and 6.0 HSW continuing education hours (CEPHs) to architects in most states, including Texas. Educators and courses are not subject to pre-approval in Texas.

The American Institute of Architects has approved this event for 6.0 HSW Learning Units (Sponsor No. J885). Only full attendance can be reported to the AIA/CES.

Engineers and architects 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 continuing education approval.

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.

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

Registration

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How to Register	
Online: www.halfmoonseminars.org	
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)

Checks: Make payable to HalfMoon Education Inc.

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