

Agenda

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

M. La Fratta

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

Shop Drawing & Submittal Reviews and Related Best Practices

B. Dulin

Shop drawing process in different project delivery methods

Roles of project participants in submittal and review of shop drawings

Shifting liabilities of contractors and design professionals in review process

Examples of typical problems associated with shop drawing review

Recent and high profile cases addressing liabilities in shop drawing review process

Recommended policies, processes and protocols for managing risk associated with shop drawing submittal and review

Diverse Causes of Project Failures: Learning from Others’ “Lessons Learned”

J. Watson

Distinguishing between a “project failure” and a “failed project”

Generally overstating achievable expectations and failing to understand project risks

How do P3 and design-build projects address potential risks and failures?

Specification re-use, project substitution & design intent

Integrating and coordinating design elements

Cutting corners to contain costs and using peer review

Are designers under compensated for value engineering efforts on design build projects?

Who should be paying “project” inspectors?

Coverages & Conflicts in Insurance and Agreements to Indemnify

J. Watson

How a designer’s liability coverage differs from a contractor’s?

Can contractual agreements to indemnify usurp state law?

Are there any limits on an insurer’s right to control choice of counsel?

What happens when the entity to be indemnified contributes to the loss?

Can Virginia law be used to put a “cap” on an agreement to indemnify?

Examining Legal Issues and Contract Disputes

A. Burnett

Changed conditions

Delays, acceleration

Handling payment claims and final payments

Resolving disputes through mediation, arbitration, litigation

Understanding contractual and statutory warranties

Legal & Ethical Considerations in Construction Contracting and Performance

B. Dulin

Sources of ethical requirements for design professionals and contractors

Requirements for state and federal government projects

Rules of professional conduct and responsibility for design professionals

Potential conflicts/ambiguities and relationship to professional liability

Impacts on changing roles of design professionals in construction projects

Examples of common ethics issues/case studies associated with construction projects

Recommendations for management of risk associated with ethical issues

Design and Construction Contracting:
Current Issues in Decision-Making and Best Practices
Richmond, VA - Thursday, June 21, 2018

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Learning Objectives

You’ll be able to:

Explore construction contracting in traditional and alternative project delivery systems.

Discuss recent and high profile cases addressing liabilities in the shop drawing review process.

Explore lessons learned from project failures.

Learn about liability coverage for designers and contractors.

Examine legal issues and contract disputes.



Design and Construction Contracting: Current Issues in Decision-Making and Best Practices

Richmond, VA - Thursday, June 21, 2018



Interpret the legal rights and duties of construction entities

Discuss issues with shop drawings and submittal reviews

Improve outcomes by learning from project failures

Study insurance coverages and agreements to indemnify

Handle problems during the construction process

Explore legal and ethical considerations in construction contracting

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Faculty

Mark La Fratta
Partner at McGuire Woods in Richmond
Mr. La Fratta has more than 35 years’ experience supporting clients on the development and construction of energy and industrial projects such as LNG facilities, power plants and food processing facilities, as well as large commercial construction, such as office towers. He has represented the owners, lenders and customers of most types of power generation projects, including hydro, biomass, coal, lignite, pet coke, nuclear, natural gas, waste-fired, landfill gas, wind and solar (PV and CSP). A recognized authority in his field, Mr. La Fratta has written on construction, energy and utility-related topics for a number of organizations, including for the Energy and Mineral Law Foundation (Drafting and Negotiating Power Purchase Agreements) and the American Society of Mechanical Engineers (Design Build Projects). He has taught classes at a number of industry venues and conferences including the Association of Corporate Counsel and the American Institute of Architects. Mr. LaFratta has been selected as a fellow in the Construction Lawyers Society of America.

Betsy Ennis Dulin, P.E., Esq.,
President, 38th ED, LLC, in Richmond
Ms. Dulin has over 25 years’ experience in the practice of law and engineering. She is a registered professional engineer (civil) in licensed to practice law in Virginia, West Virginia and Ohio. Ms. Dulin has a B.S. degree in Civil Engineering and an M.S. degree in Environmental Engineering from WVU

Seminar Information

Hyatt Place Richmond/Arboretum
201 Arboretum Place
Richmond, VA 23236
(804) 560-1566

Registration
8:00 - 8:30 am
Morning Session
8:30 am - 12:30 pm
Lunch (On your own)
12:30 - 1:30 pm
Afternoon Session
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and Virginia Tech, respectively, and her law degree is from Washington & Lee University. She has worked throughout her career in the engineering design and construction context, as a design professional, project manager, planner, and attorney. Ms. Dulin is experienced in negotiation and drafting of contract documents, including specifications, and has experience in both civil and criminal litigation. She also has significant experience working with public sector clients on contracting, regulatory, construction, legislative, and public communications matters. Ms. Dulin is a former dean of the College of Information Technology and Engineering at Marshall University and is a member of the National Society of Professional Engineers, the Society of American Military Engineers, the American Society of Civil Engineers, and the Construction Specifications Institute. She currently owns her own small business, where she specializes in planning, project management, technical writing, public engagement, and meeting facilitation. Ms. Dulin is an adjunct faculty member with Virginia Tech, offering graduate courses that cover construction, contracts, environmental, and related topics.

James Watson
Attorney with Coates & Davenport in Richmond
Mr. Watson is a 25-year member of the Construction Law and Public Contracts Section of the Virginia State Bar. His practice is focused on serving clients in the areas of both public and private procurement and construction. In addition to having tried numerous construction cases before federal and state courts, arbitration panels, and federal boards of contract

appeals, he is a frequent speaker before professional and construction industry groups. Mr. Watson recently spoke on design-build issues at the 2016 regional conference of SASHTO. His comprehensive knowledge of the construction process is enhanced by being certified for six years as a project management professional (PMP) by the Project Management Institute. In addition, Mr. Watson worked for over two years with project managers in construction administration with one of the nation’s largest multi-disciplinary engineering firms. There, on a daily basis he worked with engineers to resolve complex construction issues involving all major engineering disciplines. Although not an engineer, Mr. Watson twice served as chair of the Richmond Joint Engineers’ Council. He has served on the board of directors of the Richmond Chapter of the Construction Specifications Institute and was certified by the national CSI as a MasterFormat-2004® Instructor.

Alexander Burnett
Partner at Williams Mullen in Richmond
Mr. Burnett focuses his practice on construction law and litigation. He serves a broad spectrum of clients involved in the construction industry including banks, owners, developers, general contractors, subcontractors and suppliers. He actively participates in clients’ construction projects by drafting or revising contracts, advising clients of their rights throughout a project, and regularly litigating and arbitrating on behalf of clients on contract claims, mechanic’s liens, payment bonds and performance bond claims.

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- **Design of Excavation Support Systems**
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- **Slope Repair Techniques**
Thurs., May 31, 2018, 11:00 AM - 12:30 PM CDT
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Registration

**Design and Construction Contracting:
Current Issues in Decision-Making and Best Practices**
Richmond, VA - Thursday, June 21, 2018

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