

# Agenda

## Understanding Construction Contract Essentials *S. Sutherland*

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

## Reviewing Bidding Documents *R. Jezdimir*

Invitation Bid form Instructions

Bid bond Information Addenda

## Reviewing Project Documents *S. Murphy*

Use of standard forms or custom documents

Agreement Performance bond Payment bond

Contract conditions (general and supplementary)

Specifications (Format, CSI 1995 and 2004)

Shop drawings

Contract modifications (change orders, directives, etc.)

## Understanding Issues in Contract Administration *P. Drueke*

Insurance and indemnity issues

Chain of command issues

Subcontracts

Changes and change orders Payments

Substantial and final completion

Breach and pitfalls

## Examining Legal Issues and Contract Disputes *A. Vredenburg*

Changed conditions

Project documentation

Delays, acceleration

Handling payment claims and final payments

Resolving disputes through mediation, arbitration, litigation

Understanding contractual and statutory warranties

## Handling Ethical Issues in Construction Contracting *G. Butler*

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

**Construction Contract Workshop**  
Grand Rapids, MI - Thursday, September 13, 2018

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# Learning Objectives

### You'll be able to:

**Understand** contract terminology and explore all types of construction contracts, including lump sum, cost plus, and time and materials.

**Compare** standardized contract documents and custom documents, and discuss their different uses.

**Utilize** bidding documents properly.

**Learn** about change orders and handle chain of command issues.

**Resolve** disputes through mediation, arbitration and litigation.

**Create** a system of internal procedures that promotes ethical practices.



# Construction Contract Workshop

Grand Rapids, MI - Thursday, September 13, 2018



**Understand** construction contract terminology

**Learn** about insurance and indemnity issues

**Avoid** ethics issues

**Discuss** standardized and custom construction documents

**Review** bidding documents

**Examine** legal issues and contract disputes

## Continuing Education Credits

### Professional Engineers

7.0 PDHs

### Architects

7.0 HSW Continuing Ed. Hours

7.0 AIA HSW Learning Units

### Contractors

Non-Credit Continuing Ed.



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# Faculty

**Suzanne P. Sutherland** *Hilger Hammond PC, Grand Rapids*  
Ms. Sutherland practices in the areas of construction law and commercial litigation, including the representation of contractors, construction managers and major trade contractors. She also counsels clients on business planning and real estate transactions. Suzanne is experienced in contract review, negotiation and preparation. Ms. Sutherland lectures and writes on construction law topics including MIOSHA compliance, the Michigan Construction Lien Act, the Builders Trust Fund Act, environmental issues and Alternative Dispute Resolution. Ms. Sutherland is highly involved in the West Michigan community, volunteering with Grand Rapids Public Schools and the Grand Rapids Bar Association. She frequently serves as a guest lecturer at Wayne State University Law School.

**Ryan Jezdimir** *Blevins Sanborn Jezdimir Zack PLC, Detroit*  
Mr. Jezdimir focuses his practice on construction law and litigation. He has counseled clients at all stages of a construction project—from bid to the final payment. He has prosecuted and defended against substantial extra compensation claims, obtained a multimillion dollar jury verdict against a developer for fraud, and argued before the Michigan Court of Appeals and Supreme Court. Mr. Jezdimir is a member of the State Bar of Michigan and the American Bar Association’s Forum on the Construction Industry. He has been selected for inclusion in *Michigan Super Lawyers Rising Stars*, and as a top construction litigator by the magazine, *DBusiness*.

# Seminar Information

**Courtyard by Marriott Downtown**  
11 Monroe Ave. NW  
Grand Rapids, MI 49503  
(616) 242-6000

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

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• Visit us online at [www.halfmoonseminars.org](http://www.halfmoonseminars.org)  
• Mail-in or fax the attached form to 715-835-6066  
• 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.

**Scott R. Murphy** *Barnes & Thornburg, LLP, Grand Rapids*  
Mr. Murphy is a partner in the Grand Rapids, office of Barnes & Thornburg LLP, where he serves as vice chair of the firm’s Construction Law Practice Group. He has represented private and public companies, municipalities, contractors and subcontractors in a wide range of construction disputes and risk management counseling. He has experience drafting construction agreements for a variety of applications ranging from distribution and manufacturing centers to combined cycle power generation plants. Mr. Murphy also has deep litigation experience handling construction defect claims, delay/acceleration claims, differing site condition claims, superior knowledge claims and mechanics lien disputes. He is a member of the Construction Law Forum of the American Bar Association and the Association of Builders & Contractors.

**Patrick Drueke** *Rhoades McKee, Grand Rapids*  
Mr. Drueke is a transactional and litigation attorney who concentrates his practice in areas of real estate, construction, environmental and commercial litigation. He is a Leadership in Energy and Environmental Design® Accredited Professional (LEED AP). He also frequently helps entrepreneurs and small businesses with their start up needs through a variety of economic development organizations. A member of the firm’s Executive Committee, Mr. Drueke is also a member of the State Bar of Michigan’s Commercial and Real Estate Development Committee and Real Property Section, the Grand Rapids Bar Association Real Property Section, and the US Green Building Council. He serves on

## Continuing Education Credit Information

This seminar is open to the public and offers 7.0 PDHs to professional engineers and 7.0 HSW continuing education hours to architects in all states, except Florida architects. Educators and courses are not subject to pre-approval in Michigan.

This course has been approved by the American Institute of Architects for 7.0 HSW Learning Units (Provider No. J885). Only full attendance can be reported to the AIA.

HalfMoon Education is deemed an approved continuing education sponsor for New York architects. HalfMoon Education is an approved continuing education sponsor for engineers in Florida, Indiana, Maryland, New Jersey (Approval No. 24GP00000700), New York (NYSED Sponsor No. 35), North Carolina, and North Dakota.

This seminar offers contractors a non-credit continuing education opportunity; it has not been submitted to 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.

the Building Owners and Managers Association as the president of the Board of Directors and the Home Building Association Educational Committee.

**Andrew Vredenburg** *Foster Swift Collins & Smith, P.C., Grand Rapids*  
Mr. Vredenburg focuses on helping small to medium-sized businesses seize opportunities and overcome challenges. A significant part of his practice involves addressing the litigation needs of his clients. Mr. Vredenburg’s skills and experience are much broader, as he handles a myriad of transactions and matters that help clients profitably run their businesses. Over the course of his career, he has routinely handled, business disputes, real estate and environmental matters, as well as construction litigation and development. Mr. Vredenburg has prepared contracts, construction liens and pursued and defended lien foreclosure actions for his many construction clients as well as assisted with business planning for contractors and developers.

**George Butler, III** *Dickinson Wright, LLP, Detroit*  
George Butler is a member of Dickinson Wright and has been practicing law since 1983. Mr. Butler is admitted in both Michigan and Massachusetts and in all levels of the Federal courts in the First and Sixth Circuits. Mr. Butler represents both private and public entities and maintains an extensive practice in the areas of real estate law, construction law, commercial law, education law and commercial litigation. Mr. Butler is a regular author and presenter on topics in his areas of practice.

# Additional Learning

## Webinar Series

### Community Solar and Rooftop Solar

- **Community Solar**  
Wed., Sept. 5, 2018, 11:00 AM - 2:15 PM CDT
- **Design Your Solar Roof**  
Thurs., Sept. 6, 2018, 11:00 AM - 2:15 PM CDT

### Seismic Design and Construction

- **Seismology and Building Codes**  
Wed., Sept. 12, 2018, 11:00 AM - 3:30 PM CDT
- **Seismic Design of Building Structures**  
Thurs., Sept. 13, 2018, 11:00 AM - 3:30 PM CDT

For more information visit:  
[www.halfmoonseminars.org/webinars/](http://www.halfmoonseminars.org/webinars/)

**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

## Construction Contract Workshop

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| How to Register                                                                                                                                                     | Registrant Information                                                                                                                           |
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| <b>Phone:</b><br>715-835-5900                                                                                                                                       | <b>Additional Registrants:</b><br>Name: _____<br>Occupation: _____<br>Email: _____<br>Phone: _____                                               |
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| ( )  I need special accommodations. Please contact me.                                                                                                              |                                                                                                                                                  |

| Tuition                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ( ) <b>I will be attending the live seminar.</b> Single Registrant - <b>\$279.00</b> . Three or more registrants from the same company registering at the same time - <b>\$259.00</b> each. |
| ( ) <b>I am not attending.</b> Please send me the CD manual package for <b>\$289.00</b> . (S&H included. Please allow five weeks from seminar August 4, 2017 for delivery)                  |
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