

Agenda

Construction Contract Fundamentals

L. Mandel Clemente

Examining contract terminology

- 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

P. Marthy

A101-2017 Standard Form of Agreement Between Owner and Contractor (Stipulated Sum)

A102-2017 Standard Form of Agreement Between Owner and Contractor (Cost Plus Fee with GMP)

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

L. Mandel Clemente

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

P. Marthy

A105-2017 Standard Form of Agreement Between Owner and Contractor for a Residential or Small Commercial Project

A107-2007 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

L. Mandel Clemente,
P. Marthy

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AIA Contract Document Workshop
Albany, NY - Friday, November 9, 2018

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



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 small projects and sustainable projects.



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Understand the basics of construction contracting

Examine the new 2017 updates to AIA contract documents

Understand how to utilize the AIA A201 General Conditions documents

Review AIA documents for small projects and sustainable projects

Participate in a sample case study using AIA documents

Continuing Education Credits

Professional Engineers

7.0 Continuing Ed. Hours

Architects

7.0 HSW Continuing Ed. Hours

7.0 AIA HSW Learning Units

Attorneys

8.0 New York CLE Hours

8.0 New Jersey CLE Hours

Contractors

Non-Credit Continuing Ed.



HalfMoon Education Inc.
WWW.HALFMOONSEMINARS.ORG



Faculty

Linda Mandel Clemente
Mandel Clemente, P.C., East Greenbush, NY
Ms. Mandel Clemente has been trying cases since her admission to the New York State Bar Association, after graduating from the Cornell Law School in 1989. After leaving the environmental litigation practice of the law firm of LeBoeuf, Lamb, Leiby & McRae, Ms. Mandel Clemente formed her own firm in 1993. The Mandel Clemente law firm focuses on general civil litigation, particularly within the construction industry. In the early 2000s, while maintaining her litigation firm, Ms. Mandel Clemente took on the part-time positions as the attorney for the Town of Schaghticoke and the town attorney for the Town of North Greenbush. In those roles, she encountered and managed various aspects of municipal law, including bidding requirements, village formation, annexation, formation of improvement districts, tax certiorari proceedings, and Article 78 proceedings. As a litigator of commercial, environmental, civil and construction disputes, she has practiced in both state and federal courts. Over the course of her practice, she has successfully defended and appealed cases to the Appellate Division and also the New York Court of Appeals. She has also practiced at the federal level, including district courts, bankruptcy courts, the 2nd Circuit Court

Seminar Information

Hilton Garden Inn Albany Airport
800 Albany Shaker Road
Albany, NY 12211
(518) 464-6666

Tuition
\$279 for individual registration
\$259 for three or more registrations.
Each registration includes a complimentary continental breakfast and printed seminar manual.

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

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. You may also send another person to take your place.

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.

of Appeals and the 6th Circuit Court of Appeals, and is a longstanding member of the New York State and American Bar Associations. Ms. Mandel Clemente has previously lectured on the topics of contract terms and payment issues at seminars held or cosponsored by NESCA and Lorman Educational Services, and has written articles for the *Capital District Business Review* on construction industry topics.

Paul C. Marthy *Breakell Law Firm P.C., Albany, NY*
Mr. Marthy is a 1985 graduate of Siena College and a 1991 graduate of Albany Law School. Mr. Marthy was admitted to the Bar of the State of New York in 1992 and is also admitted in the United States District Court, Northern District of New York. Mr. Marthy has been a practicing attorney since 1992 and has been an associate of the Breakell Law Firm since 2000. Mr. Marthy's practice includes commercial and contract law; construction litigation, arbitration and mediation; labor issues; private and municipal contracts; drafting, preparation and review of owner, contractor and subcontractor agreements; surety payment and performance bond claims; mechanic's liens; contractual termination issues; and contractual warranty issues.

Continuing Education Credit Information

This seminar is open to the public and offers up to 7.0 continuing education hours 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 York engineers (NYSED Sponsor No. 35) and New Jersey engineers (Approval No. 24GP00000700). HalfMoon Education is deemed a New York-approved continuing education provider for architects via its affiliation with the American Institute of Architects.

This event is approved by the American Institute of Architects for 7.0 HSW Learning Units (Sponsor No. J885). Courses approved by the AIA qualify for New Jersey architects. Only full attendance can be reported to the AIA/CES.

HalfMoon Education is an approved continuing education sponsor for engineers in Florida, Indiana, Maryland, North Carolina, and North Dakota.

HalfMoon Education is certified by the New York State CLE Board as an Accredited Provider of CLE programs*. This traditional format course offers 8.0 Areas of Professional Practice CLE hours which are appropriate for new and experienced attorneys. HalfMoon Education Inc. is a New Jersey CLE Service Provider (No. 164), and this course offers 8.0 CLE hours to New Jersey attorneys.

This event offers a non-credit continuing education opportunity to construction contractors. It has not been approved by any state with a continuing education requirement for contractors.

Additional Learning

Webinar Series

Off-grid Photovoltaic Master Class

- **Off-grid Photovoltaic Master Class, Part I**
Wed., Oct. 3, 2018, 11:00 AM - 2:15 PM CDT
- **Off-grid Photovoltaic Master Class, Part II**
Thurs., Oct. 4, 2018, 11:00 AM - 2:15 PM CDT

Stormwater Management Systems

- **Basics of Stormwater Regulations and Requirements, Including New EPA Regulations**
Thurs., Oct. 4, 2018, 11:00 AM - 12:00 PM CDT
- **Working with the Regulator**
Thurs., Oct. 4, 2018, 12:30 - 2:00 PM CDT
- **Site Planning and Choosing Best Management Practices**
Fri., Oct. 5, 2018, 11:00 AM - 12:00 PM CDT
- **Long-term Stormwater Management Practices**
Fri., Oct. 5, 2018, 12:30 - 2:00 PM CDT

Floodplain Mapping and Regulation

- **Floods, Floodplains and Introduction to Floodplain Management**
Wed., Oct. 10, 2018, 11:00 AM - 12:30 PM CDT
- **Flood Maps and Flood Zones**
Wed., Oct. 10, 2018, 1:00 - 2:30 PM CDT
- **Elevations in the National Flood Insurance Program (NFIP) and Floodplain Regulation**
Thurs., Oct. 11, 2018, 11:00 AM - 12:30 PM CDT
- **Practical Floodplain Management**
Thurs., Oct. 11, 2018, 1:00 - 2:30 PM CDT

HEC-RAS Webinar Series

- **Hydraulic Principles and Applications**
Thurs., Oct. 18, 2018, 11:00 AM - 1:00 PM CDT
- **Working with the HEC-RAS User Interface**
Thurs., Oct. 18, 2018, 1:30 - 3:00 PM CDT
- **Water Surface Profiling**
Fri., Oct. 19, 2018, 11:00 AM - 1:00 PM CDT
- **Steady Flow Surface Profile Demonstrations**
Fri., Oct. 19, 2018, 1:30 - 3:30 PM CDT

Construction Cost Estimating

- **Introduction to Cost Estimating**
Thurs., Oct. 25, 2018, 11:00 AM - 12:30 PM CDT
- **Cost Components – A Closer Look at the Estimates**
Thurs., Oct. 25, 2018, 1:00 - 3:00 PM CDT
- **Cost Estimate Organization and Examples**
Fri., Oct. 26, 2018, 11:00 AM - 1:00 PM CDT
- **Cost Estimating Topics**
Fri., Oct. 26, 2018, 1:30 - 3:00 PM CDT

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

Registration

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How to Register		Registrant Information
Online: www.halfmoonseminars.org		Name: _____
Phone: 715-835-5900		Company/Firm: _____
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Complete the entire form. Attach duplicates if necessary.		Occupation: _____
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		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.	
Checks: Make payable to HalfMoon Education Inc.	
Credit Card: <i>Mastercard, Visa, American Express, or Discover</i>	
Credit Card Number: _____	
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