

Agenda

Improving the Project Outcome with Accurate and Effective Construction Contracting *J. Kutch*

- Understanding contract terminology
- Forming contracts
- Understanding contract obligations
- The law governing construction contracts:
 - The Uniform Commercial Code (UCC) and applicable state laws
- Subcontract formation and administration
- Performance and payment issues Breach of contract and default

Construction Contracting in Traditional and Alternative Project Delivery Systems: *E.R. Rodabaugh*

Finding the Framework That's Right for the Owner and the Project

- Legal rights/duties of entities under design and construction contracts:
 - allocating the risk among owners, 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

Protecting the Owner and the Project: Insurance and Bonding Issues in Construction *C. Daugherty*

- Types of construction bonds
 - Performance • Payment • Alternatives to bonds
- Other types of bonds
- Types of insurance
 - Commercial general liability insurance • Builder's risk insurance
 - Errors and omissions insurance • Additional/alternative insurance
- Controlled Insurance Programs
- Claims and notice issues

Making Changes and Resolving Disputes During the Construction Process *M. Cavosie*

- Making changes to the contract and contracted work
 - The contract change clause
 - Types of changes: ordered and constructive changes
 - Requirements for making changes • Liability issues
- Solving problems during the construction process
 - Site conditions • Delays • Disruption
 - Acceleration • Accidents

Handling Ethical Issues in Construction *B. Huffman*

- Avoiding ethical issues during the bidding process
- Gifts, favors and the appearance of impropriety
- Your duties to your employer, the project owner, and other project participants
- Adopting practices that minimize ethics issues

Construction Law

Indianapolis, IN - Friday November 30, 2018



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Learning Objectives

You'll be able to:

- Understand** the legal rights and duties of various construction entities including contractors, design firms and suppliers.
- Understand** contract terminology and contract obligations.
- Identify** both external and internal risks and discuss risk mitigation in construction contracting.
- Manage** change orders and identify often overlooked change order costs.
- Utilize** different types of insurance such as general liability insurance, builder's risk insurance, errors and omissions insurance, etc.
- Prevent** ethics issues on construction projects.



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- Understand** how to use both traditional and alternative project delivery systems
- Learn** about how effective and accurate contracting can improve project outcomes
- Learn** how to make changes and resolve disputes during the construction process
- Discuss** how utilize insurance and bonding to protect the owner and the project
- Handle** ethics issues on construction projects

Continuing Education Credits

- Professional Engineers**
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- Architects**
6.5 HSW Contact Hours
6.5 AIA HSW Learning Units



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Joshua N. Kutch *Frost Brown Todd, LLC, Indianapolis*
Mr. Kutch is an attorney at Frost Brown Todd LLC in Indianapolis, Indiana, where he concentrates his practice in the areas of construction and surety law, including litigation, contract preparation, review and negotiation, claims avoidance and general construction advice. He is a member of the American Bar Association’s Forum on Construction Law, the Leadership Track Committee of the Association of General Contractors of Indiana, and the Leadership Development Committee of Indiana Constructors, Inc. Mr. Kutch obtained his B.S. degree from Indiana University—Purdue University Indianapolis (IUPUI) and his J.D. degree from Notre Dame Law School.

E. Roy Rodabaugh *Easter & Cavosie, Indianapolis*
Mr. Rodabaugh’s main focus is on construction law and real estate litigation. He represents many of the Midwest’s largest commercial and residential developers, owner’s representatives, construction managers, contractors, design-builders, subcontractors, material and equipment suppliers, design professionals and consultants, and other companies whose core business is not real estate and construction but to whom real estate or construction related issues are a significant concern. He has over five years of experience as an estimator and project manager in the construction industry. Mr. Rodabaugh graduated with distinction in 2002 from Purdue University at Indiana University-Purdue University Indianapolis with a B.S. degree. He graduated from the Valparaiso University School of Law in 2005. Mr. Rodabaugh is a member of National Utility Contractors Association (NUCA), serving on the Special Issues Committee.

Charles Daugherty *Easter & Cavosie, Indianapolis*
Mr. Daugherty focuses his practice on construction law and real estate. He represents many of the Midwest’s largest commercial and residential developers, owner’s representatives, construction managers, contractors, design-builders, subcontractors, material and equipment suppliers, design professionals, consultants, and other companies with interests related to construction and real estate. His first published article analyzed the relationship of business entities involved in construction projects and their ability to guard against

liability through the use of contractual indemnification. Mr. Daugherty leans on his experiences in the construction industry to enable him to intimately understand the needs of business clients. He graduated *summa cum laude*, earning his J.D. degree from the Indiana University Robert H. McKinney School of Law in Indianapolis.

Mike Cavosie *Easter & Cavosie, Indianapolis*
Mr. Cavosie is admitted to practice in Indiana and Illinois. He focuses his practice on construction law, employment law, and traditional labor law. In over 20 years of practice, Mr. Cavosie has represented a wide range of commercial and residential developers, owner’s representatives, architects and engineers, construction managers, contractors, design-builders, subcontractors, material and equipment suppliers. He has extensive experience representing engineering firms in design defect, personal injury, and fatality matters. Mr. Cavosie graduated *magna cum laude* from Indiana University School of Law – Bloomington, in 1992. He was the senior managing editor for the *Indiana Law Journal* and was awarded the Order of the Coif. Mr. Cavosie is a 1977 *cum laude* graduate of Butler University. He is a member of the ABA Forum on the Construction Industry, the American Bar Association, the Construction and Surety Law Section of the Indiana Bar Association and a number of professional organizations. Mr. Cavosie has spoken on a wide range of construction, labor, and employment law topics.

Betsy Huffman *Easter & Cavosie, Indianapolis*
Ms. Huffman recently joined Easter & Cavosie as an associate. Her practice focuses on construction law, commercial real estate law, and employment law. She represents many of the Midwest’s largest commercial and residential developers, owner’s representatives, construction managers, contractors, design-builders, subcontractors, material and equipment suppliers, design professionals, consultants, and other companies with interests related to construction and real estate. Ms. Huffman graduated *cum laude*, earning her J.D. degree from the Indiana University Robert H. McKinney School of Law in Indianapolis.

Seminar Information

Marriott Indianapolis East
7202 East 21st Street
Indianapolis, IN 46219
(317) 352-1231

Tuition
\$279 for individual registration
\$259 for Three or more registrants from the same company at the same time.

Included with your registration: 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

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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.

Continuing Education Credit Information

This seminar is open to the public and offers 6.5 continuing education hours/PDHs to professional engineers, including 1.0 ethics hour, and 6.5 HSW contact hours to architects in Indiana. HalfMoon Education is an approved continuing education provider for Indiana engineers. Architect continuing education providers and courses are not subject to preapproval in Indiana.

The American Institute of Architects has approved this course for 6.5 HSW Learning Units (Sponsor No. J885). Only full attendance can be reported to the AIA.

Professional engineers and architects seeking continuing education credit in other states will be able to earn the hours at this seminar, in most cases. Refer to specific state rules to determine eligibility.

This seminar offers a non-credit continuing education opportunity to construction contractors. It has not been approved by any contractor licensing board for continuing education credit.

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.

Additional Learning

Webinar Series

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:
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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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How to Register	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.
Online: www.halfmoonseminars.org	
Phone: 715-835-5900	
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Mail: HalfMoon Education Inc., PO Box 278, Altoona, WI 54720-0278 Complete the entire form. Attach duplicates if necessary.	

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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