

Agenda

Construction Contract Fundamentals

J. Farwell

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

S. O'Rourke, K. Zunker

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

C. Farrar

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

Arbitration Agreement Language

J. Grayson

Details beneficial to the parties in the event of a claim

Supplemental or Alternate AIA Contract Documents

N. Gavrizi

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

A107-2017 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

G. Head

AIA Contract Document Workshop

San Antonio, TX - Wednesday, March 27, 2019

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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 residential 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

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Faculty

Jay K. Farwell is a principal in the San Antonio office of Cokinos | Young and has over 25 years’ experience as a civil trial lawyer handling complex construction matters, as well as commercial, consumer, employment, insurance, and administrative cases. Mr. Farwell is board certified in construction law by the Texas Board of Legal Specialization. He represents general contractors, owners, subcontractors, material suppliers, design professionals and governmental entities in all types of construction cases including defective construction, collections, contractual disputes, delay and interference claims, design professional liability, differing site conditions, misappropriation of construction trust funds, insurance coverage, administrative, and other types of disputes. Mr. Farwell has tried many cases to juries and to the Court in both state and federal courts, and regularly represents parties in arbitration proceedings. He handles appeals in state and federal appellate courts, and he is an experienced mediator.

Stephanie L. O’Rourke is a principal in the San Antonio office of Cokinos | Young. She is a member of the firm’s litigation practice group and manages the firm’s San Antonio office. Her practice focuses on the representation of owners, general contractors, subcontractors, and suppliers in construction disputes as well as insurance companies and businesses in complex disputes. Ms. O’Rourke has a wealth of experience in delay and interference claims, defective construction and general construction disputes, and she is consistently asked to present at workshops and seminars regarding her expertise on contracts, sureties and bonds. Ms. O’Rourke’s expertise in construction litigation has earned her recognition from numerous publications and organizations. She is board certified in construction law by the Texas Board of Legal Specialization and serves as the secretary for the State Bar of Texas Construction Law Section, and she is on the Board of Directors for ABC and CFMA.

Kyle A. Zunker is an attorney in the San Antonio office of Cokinos | Young. He focuses his practice on construction law, commercial litigation, and appellate matters. Mr. Zunker works closely with the lead litigation and lead appellate principals in the San Antonio office. He graduated *magna cum laude* from Southern Methodist University’s Dedman School of Law, where he received the prestigious Hutchison Scholarship.

Cristopher S. Farrar is a principal in the Houston office of Cokinos | Young where he focuses his practice on drafting construction, engineering and architectural agreements, along with services and operations related contracts and oilfield service transactions. He represents clients in every industry including commercial, energy, oil & gas, power, renewable, manufacturing, chemical, pipeline, offshore and infrastructure on a wide range of sophisticated and complex project development matters. Having gained

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experience as in-house counsel for several international engineering and construction companies, he continues to serve as “quasi” in-house counsel for his clients. Mr. Farrar works as a trusted advisor and consultant on construction projects by leading clients through the development and negotiation of project documents. He has significant expertise on a wide range of transactions throughout the entire project cycle, from selection of the proper delivery system through punch list completion. Mr. Farrar has drafted and negotiated bespoke agreements, including unique, one-of-a-kind contractual arrangements, as well as industry forms such as AIA and FIDIC.

John L. Grayson is a principal in the Houston office of Cokinos | Young. He represents major contractors, including EPC contractors, subcontractors, pipeline contractors, mechanical contractors, sureties, and owners in complex construction matters in both the private and public sectors. Mr. Grayson’s experience includes jury trials, bench trials, mediations and arbitrations of all types of construction-related disputes involving projects ranging from office buildings and hospitals to massive processing plants and LNG storage facilities and energy pipelines. He has represented large and small businesses, design professionals, individuals, physicians and attorneys as well as regional and national banks both as plaintiff and defendant in state and federal courts across the country. A frequent contributor to the *Construction Law Journal*, Mr. Grayson’s work has also been published in the *Texas Bar Journal*. He has been an invited speaker at the Center for International Legal Studies in Salzburg, Austria, and he is a regular presenter at the EPC Contract and Risk Management Symposium in Houston, Texas. Mr. Grayson is a Houston Bar Foundation Fellow and maintains membership in the Construction, Litigation, Insurance and Aviation sections of the State Bar of Texas.

Nicolas Y. Gavrizi is an associate attorney in the Austin office of Cokinos | Young. His practice is focused on construction law — representing general contractors, subcontractors, owners, and design professionals in lawsuits involving allegations of construction/design defects and other matters related to dispute management and avoidance, enforcement of lien rights, and contract negotiation/drafting. During law school, Mr. Gavrizi was president of UT Real Law (a real estate law organization), a publishing member of the *Texas Environmental Law Journal*, and a judicial intern for U.S. Magistrate Judge Andrew Austin.

Gabriel S. Head is a principal in the San Antonio office of Cokinos | Young. He is a construction lawyer engaged in providing full service representation for general contractors and subcontractors in state and federal courts, arbitration and mediation with respect to breach of contract, design defect and building defect claims, differing site conditions, delay claims, payment issues, mechanic liens and bond claims. Mr. Head also has experience drafting and negotiating complex industry documents including EPC contracts, owner/builder, design-builder, and contractor/subcontractor commercial construction contracts.

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