

Agenda

Understanding your Construction Contract – The Key to a Successful Project *W. Davis*

- Contract basics – establishing obligations and assigning risks
- Contract forms – “standard” vs. custom forms
- Contract modification – be careful!
- Key contract provisions for all project participants
 - Indemnity, insurance, liability/damage limitations,
 - Standard of care, warranties, dispute resolution, etc.

Protecting the Project with Bonds and Insurance *O. Banks*

- Obtaining construction bonds
 - Performance
 - Payment
 - Alternatives to bonds
- Obtaining insurance
 - Commercial general liability insurance
 - Builder’s risk insurance
 - Errors and omissions insurance
 - Additional/alternative insurance
- Claims and notice issues

Making Changes and Resolving Disputes During the Construction Process *D. Ducran*

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

Handling Ethical Issues in Construction *O. Banks*

- Avoiding ethical issues during the entire project
 - 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

Understanding Legal Issues Relevant to Sustainable Construction *A. Richie*

- Types of green building certifications
- Basics of LEED certification
- Standards of care
- Contractual duties on LEED/sustainable projects
- Litigation involving sustainable projects
- Insurance coverage for green building projects

Construction Law
Houston, TX - Friday, June 28, 2019



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Learning Objectives

You’ll be able to:

- Understand** key construction contract provisions that apply to all construction project participants.
- Obtain** construction bonds and insurance and understand how to handle claims.
- Manage** changes during the construction process, and handle disruptions and delays.
- Avoid** common ethical issues that arise during all phases of the construction project.
- Lean** about the different types of green building certifications and contractual duties on sustainable projects.



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- Understand** how to use construction contracts to create successful projects
- Protect** construction projects with bonds and insurance
- Make** changes and resolve disputes during the construction process
- Learn** how to handle ethical issues in construction
- Discuss** the legal issues relevant to sustainable construction

Continuing Education Credits

- | | |
|--|---|
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| Architects
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(1.0 Sustainability Hour)
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Faculty

William B. “Billy” Davis *Andrews Myers, P.C., Houston*

Mr. Davis is a shareholder in the Houston office of Andrews Myers, P.C. His practice is focused on construction litigation, dispute resolution, and claims counseling. Mr. Davis’s clients include all parties in the project delivery chain: owners, developers, general contractors, subcontractors, and suppliers. An accomplished advocate, he has represented clients as both plaintiffs and defendants in state court, federal court, and in arbitration proceedings. His experience includes representation of clients in a wide range of construction-related disputes, including matters related to: breach of contract, breach of warranty, contractual and statutory indemnity, performance and payment bond claims, construction defect claims, delay and disruption claims, fraud claims, and mechanic’s and materialman’s lien claims. In addition to his litigation and dispute resolution practice, he drafts, reviews, and negotiates construction contracts. Additionally, Mr. Davis has significant experience with insurance coverage claims and insurance litigation. He is Board Certified in Construction Law by the Texas Board of Legal Specialization.

Olaide A. Banks *Olaide A. Banks & Associates, PLLC, Houston*

Mr. Banks is the principal attorney at Olaide A. Banks & Associates, PLLC, a Houston-based law firm focused on meeting the needs of government and construction contractors throughout Texas. He is an advisor and trusted counsel for CEOs and managers of mid-market construction firms and experienced government contractors. Mr. Banks was rated as a Texas Super Lawyers Rising Star for 2015 and 2016. This award recognizes the top 2.5 percent of attorneys in Texas, 40 years of age and younger. He became a licensed CPA in 2003 and has 18 years experience as a lead accountant and CFO for successful government contractors. Mr. Banks is a sought after speaker in the areas of government contract law, and procurement law. He earned his B.B.A. degree with a double major in Accounting and Finance from the Bauer College of Business at the University of Houston, and secured his J.D. degree from South Texas College of Law while working full-time as a chief financial officer. Mr. Banks is a member of the State Bar of Texas, Association of Corporate Counsel and the American Institute of Certified Public Accountants (AICPA).

Denis G. Ducran *Peckar & Abramson, P.C., Houston*

Mr. Ducran is senior counsel in Peckar & Abramson’s Houston office. A board-certified construction lawyer and registered architect, He focuses primarily on construction industry transactions, litigation, arbitration and risk management. Mr. Ducran works closely with owners, architects, contractors and subcontractors to provide practical counsel regarding the avoidance and resolution of disputes on construction projects. He offers extensive industry experience in preparing and negotiating contracts, as well as litigation, arbitration and mediation of construction disputes. Prior to joining Peckar & Abramson, Mr. Ducran served as vice president

and general counsel of an ENR 400 general contractor. During his six year tenure, the firm significantly reduced overall litigation and arbitration matters, in large part, by handling the majority of matters in-house. Mr. Ducran is a registered architect who practiced architecture in Houston prior to beginning his career in construction law. He is an Industry Advisory Board member at the University of Houston’s Department of Construction Management, where he also teaches Construction Law and Ethics in both Fall and Spring semesters.

Adam J. Richie, P.E., LEED AP *Munsch Hardt Kopf & Harr, Austin*

Mr. Richie is a shareholder in the construction and construction litigation sections of Munsch Hardt, and a frequent speaker to construction industry groups on construction law issues. Prior to becoming an attorney, Mr. Richie worked as a mechanical engineer and project manager at a prominent consulting engineering firm in Houston, Texas, and then after obtaining his law degree, as general counsel. He is also one of only a handful of attorneys in Texas credentialed as a licensed professional engineer and a LEED-accredited professional (AP). He has significant experience in drafting and negotiating complex design and construction contracts for all types of commercial projects, with a focus on evaluating insurance coverage issues. Mr. Richie has also successfully represented owners (public and private), general contractors, subcontractors, and design professionals in numerous lawsuits and disputes.

Seminar Information

Marriott West Loop - By the Galleria

1750 West Loop South
Houston, TX 77027
(713) 960-0111

Tuition

\$289 for individual registration
\$269 for three or more registrants from the same company at the same time.

Included with your registration: *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 or the self-study package. You may also send another person to take your place.

Continuing Education Credit Information

This seminar is open to the public and offers 7.0 PDHs (1.0 Ethics hour) to professional engineers and 7.0 HSW CEPHs/continuing education hours (1.0 sustainability hour) to architects in all states. Educators and courses are not subject to pre-approval in Texas.

HalfMoon Education is an approved continuing education sponsor for engineers in Florida, Indiana (License No. CE21700059), Maryland, New Jersey (Approval No. 24GP00000700), North Carolina, and North Dakota.

The American Institute of Architects has approved this event for 7.0 LU|HSW (Sponsor No. J885). Only full attendance can be reported to the AIA/CES.

This seminar offers a non-credit continuing education opportunity to contractors. It has not been approved by 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.

Additional Learning

Webinar Series

Fire Protection and Building Codes

- **Introduction to Fire Protection and Life Safety Design**
Thurs., June 6, 2019, 11:00 AM - 12:30 PM CDT
- **Occupancy Classifications**
Thurs., June 6, 2019, 1:00 - 2:30 PM CDT
- **Means of Egress**
Fri., June 7, 2019, 11:00 AM - 1:00 PM CDT
- **Fire Protection Features and Occupancy Exercises**
Fri., June 7, 2019, 1:30 - 3:30 PM CDT

For more information visit:
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Can’t Attend? Order the Manual and Audio from the Live Seminar as a Self-Study Package!

Audio recordings of this seminar are available for purchase starting at \$269. See registration panel for more information and 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
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Mail: HalfMoon Education Inc., PO Box 278, Altoona, WI 54720-0278 Complete the entire form. Attach duplicates if necessary.		Name: _____
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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 - **\$289.00**. Three or more registrants from the same company registering at the same time - **\$269.00** each.

() **I am not attending.** Please send me the self-study package:
☐ Downloadable MP3 Audio/PDF Manual for **\$269.00**.
☐ CD/Manual Package for **\$289.00**.
(S&H included. Please allow five weeks from seminar date for delivery)

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