

Agenda

Major Differences Among Contracts for Alternative Project Delivery Systems *Betsy Dulin*

- Extent of owner retained risk in traditional design-bid-build
- Owner retention of risk in alternative project delivery
- Design-build contracts and teaming agreements
- Varying forms construction management contracts
- Other forms of project delivery systems

Contract Provisions to Transfer or Minimize Project Risks and Liability *James Watson*

- Sovereign immunity
- Duty to indemnify
- Limitation of liability provisions
- Peer review provisions
- Contract and statute of limitations
- The effect of liability insurance

Criteria for Pre-Qualification, Selection, and Awards *James Watson & Betsy Dulin*

- Pre-qualification for contractors and design professionals
- Getting selected or “short listed”
- Negotiations after being “short listed”
- Objecting to proposed “terms & conditions”

“Flow-down” and “Pass-Through” Provisions Affecting Subcontracts *Betsy Dulin & James Watson*

- Flow-down provisions
- Pass-through provisions

Preserving and Pursuing Claims and Disputes *James Watson*

- Preserving claims while maintaining a good contract relationship
- Disputes principally involving technical specifications
- Disputes principally related to time for performance
- Disputes principally non-technical contract requirements

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Current Issues in Public Construction Projects
Richmond, VA - Friday, June 14, 2019



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Learning Objectives

You’ll be able to:

Understand contracts used with traditional design-bid-build and alternative project delivery systems.

Learn about contract provisions that transfer or minimize project risks and liability.

Review the pre-qualification process for contractors and design professionals.

Discuss how flow-down and pass-through provisions affect subcontracts.

Handle disputes involving technical specifications, performance and non-technical requirements.



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Current Issues in Public Construction Projects

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Determine major differences among contracts for different project delivery systems

Review contract provisions that transfer or minimize project risks and liability

Review criteria for pre-qualification, selection and awards

Discuss “flow-down” and “pass-through” for subcontracts

Learn about handling claims and disputes

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Professional Engineers
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Architects
6.5 Continuing Ed. Hours
6.5 AIA Learning Units

Contractors
Non-Credit Continuing Ed.



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James Watson *Coates & Davenport P.C., Richmond*
Mr. Watson is a 25-year member of the Construction Law and Public Contracts Section of the Virginia State Bar. His practice is focused on serving clients in the areas of both public and private procurement and construction. In addition to having tried numerous construction cases before federal and state courts, arbitration panels, and federal boards of contract appeals, he is a frequent speaker before professional and construction industry groups. Mr. Watson recently spoke on design-build issues at the 2016 regional conference of SASHTO. His comprehensive knowledge of the construction process is enhanced by being certified for six years as a project management professional (PMP) by the Project Management Institute. In addition, Mr. Watson worked for over two years with project managers in construction administration with one of the nation's largest multi-disciplinary engineering firms. There, on a daily basis he worked with engineers to resolve complex construction issues involving all major engineering disciplines. Although not an engineer, Mr. Watson twice served as chair of the Richmond Joint Engineers' Council. He has served on the board of directors of the Richmond Chapter of the Construction Specifications Institute and was certified by the national CSI as a MasterFormat-2004® instructor.

Betsy Dulin *38th ED, LLC, Richmond*
Ms. Dulin has over 25 years' experience in the practice of law and engineering. She is a registered professional engineer (civil) and is licensed to practice law in Virginia, West Virginia and Ohio. Ms. Dulin has a B.S. degree in Civil Engineering and an M.S. degree in Environmental Engineering from WVU and Virginia Tech, respectively, and her law degree is from Washington & Lee University. She has worked throughout her career in the engineering design and construction context as a design professional, project manager, planner, and attorney. Ms. Dulin is experienced in negotiation and drafting of contract documents, including specifications, and she has experience in both civil and criminal litigation. She also has significant experience working with public sector clients on contracting, regulatory, construction, legislative, and public communications matters. Ms. Dulin is a former dean of the College of Information Technology and Engineering at Marshall University and is a member of the National Society of Professional Engineers, the Society of American Military Engineers, the American Society of Civil Engineers, and the Construction Specifications Institute. She owns her own small business, where she specializes in planning, project management, technical writing, public engagement, and meeting facilitation. Ms. Dulin is an adjunct faculty member with Virginia Tech, offering graduate courses that cover construction, contracts, environmental issues, and related topics.

Seminar Information

Hyatt Place Richmond/Arboretum
201 Arboretum Place
Richmond, VA 23236
(804) 560-1566

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.*

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.

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- Call customer service at 715-835-5900

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Continuing Education Credit Information

This seminar is open to the public and offers 6.5 continuing education hours to professional engineers and architects in Virginia. Educators and courses are not subject to preapproval in Virginia.

This event has been approved by the American Institute of Architects for 6.5 Learning Units (Sponsor No. J885). Only full attendance can be reported to the AIA/CES.

This seminar offers a non-credit continuing education opportunity to construction contractors; it has not been approved by any state contractor licensing entity for continuing education purposes.

Attendance will be monitored, and attendance certificates will be available after the seminar for most individuals who complete the entire program. Attendance certificates not available at the seminar will be mailed to participants within fifteen business days.

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Additional Learning

Solar Photovoltaic Project Design and Development

- **Solar Photovoltaic Project Design and Development, Part I**
Wed., May 1, 2019, 11:00 AM - 2:30 PM CDT
- **Solar Photovoltaic Project Design and Development, Part II**
Thurs., May 2, 2019, 11:00 AM - 2:30 PM CDT

Passive House: Planning and Design

- **Energy Efficiency of Conventional Construction**
Thurs., May 9, 2019, 11:00 AM - 12:00 PM CDT
- **Passive House Standard: Purpose, Principles and Development**
Thurs., May 9, 2019, 12:30 - 2:00 PM CDT
- **Architectural Elements of Passive Houses**
Fri., May 10, 2019, 11:00 AM - 12:30 PM CDT
- **Mechanical Systems in Passive Houses**
Fri., May 10, 2019, 1:00 - 2:30 PM CDT

For more information visit:
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Registration

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