

Agenda

Construction Contract Fundamentals

S. Martin

- Contract terminology
 - Parties, consideration, term, performance, completion, substantial performance, breach, remedies, damages, liquidated damages, warranty, indemnity
- Understanding project delivery and types of construction contracts:
 - Stipulated sum
 - Cost plus fee
 - Design build
 - Construction management
- Understanding roles and relationships of project participants:
 - Owner and architect/engineer; prime A/E and sub-consultants; owner and construction manager/general contractor; prime contractor and subcontractors/suppliers; subcontractors and suppliers
- Contract negotiation and drafting
 - Critical issues: standard of care, scope of work, payment terms, schedule, changes, warranty, indemnity, insurance, default/termination, disputes
- Primary legal principles applied to construction contract interpretation
 - Enforcement of contract terms, changes, doctrine of substantial performance, time of the essence, statutory constraints on payment and indemnity, dispute resolution, standard of care versus strict compliance with contract

The Primary AIA Contract Documents

S. Khan

- 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

M. Sams

- 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

D. Fine

- 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

D. Fine

AIA Contract Document Workshop

Natick, MA - Wednesday, July 31, 2019



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Altoona, WI 54720-0278

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Learning Objectives

You'll be able to:

Identify types of construction contracts and the roles and relationships of project participants.

Understand the primary AIA contract documents and general conditions of the contract for construction.

Examine agreements between owner and architect, design builder, and construction manager.

Explore supplemental or alternate AIA contract documents.

Review completed contract documents for a sample project.



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Review construction contract fundamentals

Examine the primary AIA contract documents and general conditions of the contract for construction

Study agreements between owner and architect, design builder, and construction manager

Learn about supplemental or alternate AIA contract documents

Evaluate completed contract documents for a sample project

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7.0 AIA HSW Learning Units



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Faculty

Stan Martin *Owner of Commonsense Construction Law LLC, in Boston, MA*
Mr. Martin's practice focuses on the construction industry, particularly in the areas of contract negotiation, procurement, project performance and claims, arbitration and litigation. He has conducted more than 100 construction-related trials. Mr. Martin is a Fellow of the American College of Construction Lawyers and has been an active member of the Associated General Contractors of America (AGC) and AGC of Massachusetts for 20 years. He has served as a lecturer on construction law at the Massachusetts Institute of Technology and at Northeastern University.

Sakib A. Khan, Esq. *in Needham, MA*
Mr. Khan advises general contractors, subcontractors, architects, engineers, consultants and owners on construction-related issues. With a B.S. degree in Civil Engineering and Construction Management, Mr. Khan is able to get up-to-speed on both the technical and legal issues of a case quickly, and then formulate an assessment and resolution strategy. He's able to review technical reports, advise and direct experts consulting on a case, and apply practical knowledge to interpretation and application of codes, industry standards and regulations. His depth of knowledge and real-world understanding of building and construction are invaluable assets to clients.

Michael P. Sams *Kenney & Sams PC in Boston, MA*
Mr. Sams is a founding member and shareholder of Kenney & Sams, P.C. His primary area of practice is construction litigation. Mr. Sams has successfully tried numerous cases before the Massachusetts Superior and District Courts, the United States Department of Labor, the Division

of Administrative Law Appeals, and the Department of Industrial Accidents. He has successfully tried bid protest matters before the Attorney General's Office, and he has handled appeals before the Massachusetts Supreme Judicial Court, the Massachusetts Appeals Court and the United States First Circuit. Mr. Sams has arbitrated matters with the American Arbitration Association and the Office of Consumer Affairs. In addition to his litigation and trial work, he spends considerable time consulting with clients regarding risk management policies and procedures, as well as contract analysis and preparation, all to lessen the potential for future litigation. Mr. Sams chairs the Defense Research Institute's national Construction Law Committee, and he is general counsel to the Gould Construction Institute. He is former chair of the Boston Bar Association's Construction Law Committee.

David L. Fine *Partner at Mirick, O'Connell, DeMallie & Lougee, LLP, in Worcester, MA*
Mr. Fine represents and counsels clients in the construction industry, including owners and developers, general contractors and construction managers, specialty trade contractors, suppliers and manufacturers. He represents clients in adverse proceedings such as litigation and arbitration, and he consults regarding risk management, contract preparation and negotiation, and general business advice. Mr. Fine is the chair of his firm's Construction Law Group, the president of the Home Builders and Remodelers Association of Central Massachusetts. He holds several leadership positions in local, regional and national construction trade and bar organizations. Mr. Fine was named a Massachusetts "Super Lawyer" by *Boston* magazine and *Law & Politics* in 2017 and 2018, and he was named a Massachusetts "Rising Star" for several years prior.

Seminar Information

Courtyard by Marriott Natick
342 Speen Street
Natick, MA 01760
(508) 655-6100

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.

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 HSW contact/continuing education hours to architects and 7.0 PDHs to engineers in all states. Educators and courses for Massachusetts architects are not subject to pre-approval.

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

The New York State Education Department considers courses as approved for New York State mandatory continuing education for professional engineers if the sponsor's courses are approved by the American Institute of Architects Continuing Education System and/or the Landscape Architecture Continuing Education System **and** are in approved subject areas.

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. HalfMoon Education is deemed an approved continuing education sponsor for New York architects.

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

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

Industrial Stormwater

- **Understanding the Federal Industrial Stormwater Program**
Thurs., June 27, 2019, 11:00 AM - 12:30 PM CDT
- **Examining Stormwater Pollutants and the Development of Total Maximum Daily Loads (TMDLs)**
Thurs., June 27, 2019, 1:00 - 2:00 PM CDT
- **Creating Stormwater Pollution Prevention Plans (SWPPPs)**
Fri., June 28, 2019, 11:00 AM - 12:00 PM CDT
- **Implementing Best Management Practices (BMPs), Sampling and Reporting**
Fri., June 28, 2019, 12:30 - 2:00 PM CDT

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

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
Online: www.halfmoonseminars.org		Name: _____
		Company/Firm: _____
Phone: 715-835-5900		Address: _____
		City: _____ State: _____ Zip _____
Fax: 715-835-6066		Occupation: _____
		Email: _____
Code:		Phone: _____
		Additional Registrants:
Mail: HalfMoon Education Inc., PO Box 278, Altoona, WI 54720-0278		Name: _____
		Occupation: _____
Complete the entire form. Attach duplicates if necessary.		Email: _____
		Phone: _____
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		() 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)
Checks: Make payable to HalfMoon Education Inc.
Credit Card: <i>Mastercard, Visa, American Express, or Discover</i>
Credit Card Number: _____
Expiration Date: _____ CVV2 Code: _____
Cardholder Name: _____
Billing Address: _____
City: _____ State: _____ Zip: _____
Signature: _____
Email: _____