Agenda

Construction Contract Fundamentals *S. McEown*

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. Khan, M. Rossman*

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 *V. Pallaci*

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 *J. Thompson*

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

A104-2017 Standard Abbreviated Form of Agreement Between Owner and Contractor

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 *J. Thompson*

AIA Contract Document Workshop
Live, Interactive Webinar - Monday, December 7, 2020

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Learning Objectives

You'll be able to:

Take an in-depth look at the primary AIA contract documents with our qualified speaking panel.

Analyze new updates to AIA documents.

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

Examine supplemental or alternate AIA contract documents.

Review completed contract documents in a sample project case study.

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AIA Contract Document Workshop

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

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

Learn about supplemental or alternate AIA contract documents

Review construction contract fundamentals

Discuss a case study of completed contract documents for a sample project

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Faculty

Sara Abbott McEown *Attorney and Shareholder at Andrews Myers (Houston, TX)*
Ms. McEown's practice focuses on the transactional and dispute resolution aspects of construction law. She works with clients in all phases of the construction process with an emphasis on contract drafting and negotiation, dispute avoidance during construction, field management and administration, project close-out and dispute resolution. When litigation is unavoidable, Ms. McEown has over a decade of experience trying construction cases to verdict and through appeal, as well as resolving real estate and commercial business disputes. Her legal acumen is complemented by her field experience with a large commercial general contractor prior to law school. This distinctive combination allows her insight into the nuts and bolts of issues that arise before, during and after a project, and the intrinsic capability to support the project community – including general contractors, subcontractors, owners, developers and sureties – in all aspects of construction and development.

Sakib A. Khan *Attorney and Principal at Khan Law PLLC (Greater Boston Area, MA)*
Mr. Khan advises project owners, general contractors, subcontractors, architects, engineers, sureties and consultants on construction-related legal matters. A substantial portion of Mr. Khan's practice is focused on pre-litigation, dispute avoidance and risk management counseling. This includes construction contract drafting and negotiation and development of strategies for project owners and construction industry clients to address and resolve contract claims for additional time and compensation during the course of the project and without external intervention by legal counsel, much less appearance in court or arbitration. Attorney Khan earned a B.S. degree in Civil Engineering from the Columbia University School of Engineering and Applied Science and a J.D. degree from Boston College Law School. He is admitted to practice law in Massachusetts, New Hampshire and New York.

Matthew Rossman *Attorney at Khan Law PLLC (Greater Boston Area, MA)*
Mr. Rossman practices complex commercial litigation with a focus on the construction industry at Khan Law PLLC. Prior to joining Khan Law PLLC, he defended construction industry participants against toxic tort claims, and he represented disability beneficiary claimants before the Social Security Administration. While studying at Boston College Law School, Mr. Rossman volunteered with the Innocence Project. He is admitted to practice law in Connecticut, Massachusetts and Rhode Island.

Vincent T. Pallaci *Attorney and Managing Member at Kushnick Pallaci PLLC (Long Island, NY)*
Mr. Pallaci focuses his practice on complex construction, business and insurance litigation. He represents general contractors, developers, subcontractors, owners, construction managers, architects and engineers in a wide variety of disputes including defective construction, excavation and property damage litigation, delay, scope of work disputes, mechanic's lien foreclosure and defense, defense of OSHA violations, ECB violations, construction license agreements, labor law claims and employment claims. Mr. Pallaci has successfully represented clients in arbitration and mediation as well as in state and federal litigation. His clients have ranged from small locally-owned businesses to nationally and internationally known members of the Fortune 1000 and S&P 500. Mr. Pallaci holds the highest possible "AV Preeminent" rating from Martindale Hubble, is recognized as a "Top Construction Attorney" by AVVO and has been recognized as a "rising star" by *Super Lawyers* magazine every year since 2012. In addition to his legal practice, Mr. Pallaci is a former chairman of the Nassau County Bar Association's Construction Law Committee and has lectured and written more than 100 articles on construction law topics, including strategies for mitigating and avoiding loss and effective payment recovery options.

Jennifer A. Thompson *Attorney and Partner at TTLO Law (Minneapolis, MN)*
Ms. Thompson has been practicing construction and real estate law her entire legal career. Her work includes multi-party construction litigation as well as multi-party, multi-tier transactional work, including contract negotiation and drafting. Her legal practice involves assisting clients on bidding, contracting, and claims prosecution for both public and private projects. This work includes counseling clients on issues of government contracting, including procurement and government regulations. Ms. Thompson has experience in surety work, mechanic's lien claims, construction defects, and construction contract disputes. She is the legal advisor to the Association of Women Contractors (AWC) and takes great pride in her work representing women-owned construction businesses in matters relating to WBE, DBE, and MBE certifications, as well as other construction and business matters. Ms. Thompson currently serves as the treasurer of the Minnesota State Bar Association (MSBA). She is the chair of the MSBA Membership Committee and a member of the MSBA Council and Assembly. Ms. Thompson is also a past-chair of the Construction Law Section of the MSBA.

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