

Agenda

Understanding Construction Contract Essentials

C. Dutton

Examining contract terminology: parties, consideration, term, performance, substantial performance, breach, remedies, damages
Studying roles and relationships of project participants: owners, architects/engineers, construction managers, contractors, subs and suppliers
Understanding the project delivery system: traditional design-bid-build, design-build, construction manager at risk, multiple prime contractor, owner control
Understanding types of construction contracts: lump sum, cost plus, time and materials, unit pricing
Exploring the law of construction contract interpretation

Reviewing Project Documents

C. Dutton

Use of standard forms or custom documents
Agreement Performance bond
Payment bond Contract conditions (general and supplementary)
Specifications (Format, CSI 1995 and 2004)
Shop drawings Contract modifications (change orders, directives, etc.)

9 Common Construction Contract Clauses You Need to Know

B. O'Connell

Indemnification Liquidated damages
Alternative dispute resolution
No damages for delay Pay-if-paid
Choice of law Limited liability
Incorporation by reference Choice of forum

Understanding Issues in Contract Administration

A. Strohm

Insurance and indemnity issues
Chain of command issues
Subcontracts Changes and change orders
Payments Substantial and final completion
Breach and pitfalls

Examining Contract Changes and Addressing Problems

K. Britt

Changed conditions Project documentation
Delays, acceleration Handling payment claims and final payments
Resolving disputes through mediation, arbitration, litigation
Understanding contractual and statutory warranties

Handling Ethical Issues in Construction Contracting

J. Houston

Promoting impartial, merit-based award of construction contracts
Ensuring honesty, integrity, fair-dealing and quality assurance
Creating a system of internal practices promoting contract compliance and ethical practices

Construction Contract Workshop
Cincinnati, OH - Wednesday, October 16, 2019

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Learning Objectives

You'll be able to:

Define key contract terminology, describe the types of construction contracts, and explain the roles and relationships of the project participants.

Identify and describe bidding documents and project documents, including standard forms and custom documents.

Recognize and avoid ethical pitfalls common to construction contracting, while ensuring honesty, integrity, fair-dealing and quality throughout the construction process.

Discuss issues in contract administration, including insurance and indemnity, chain of command, changes and change orders, substantial and final completion, breach, subcontracts, and payments, and explore dispute resolution techniques.



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Understand construction contract essentials

Review project documents

Identify nine common construction clauses you need to know

Explore issues in contract administration

Examine contracts changes and learn how to address problems

Discuss ethical issues in construction contracting

Continuing Education Credits

Professional Engineers

7.0 PDHs, Including 1.0 Ethics Hour

Architects

7.0 HSW Continuing Ed. Hours

7.0 AIA LU|HSW

Contractors

Non-Credit Continuing Ed.



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Faculty

Christopher J. Dutton *Senior Associate, Porter Wright Morris & Arthur, LLP*

Mr. Dutton is a senior associate in the firm's Litigation Department focusing on construction and commercial business litigation. He has been involved in the successful resolution of claims in state and federal courts in both Ohio and Kentucky as well as in multiple private arbitrations and mediations. Mr. Dutton's pre-law background is firmly rooted in the construction industry. In 2003, he received his undergraduate degree in Construction Management from the University of Cincinnati. He worked for an ENR Top 500 Specialty Contractor as a project manager/estimator before and while attending law school. He has also served as an adjunct professor and volunteer in the University of Cincinnati's Construction Management program since 2007. Prior to joining Porter Wright, Mr. Dutton worked as a bond attorney for a national surety where he was involved in the investigation and disposition of complex claims against construction payment and performance bonds, and also estate and guardianship bonds.

Brian J. O'Connell *Shareholder, Strauss Troy, LPA*

Mr. O'Connell is a member of the Strauss Troy litigation department. He focuses his practice in the areas of complex commercial litigation, construction litigation and tort law. With broad expertise in construction litigation, Mr. O'Connell has represented engineers, architects, contractors and owners in construction-related claims, ranging from cost overruns to property damage, defective work to scope changes, delay to personal injury, and acceleration to liquidated damages. He recognizes and addresses the challenges facing today's construction industry. Mr. O'Connell has tried cases in state and federal courts across the United States.

J. Alexander Strohm *Associate, Frost Brown Todd, LLC*

Mr. Strohm is an associate in the firm's Construction and Business Litigation practice groups. He helps clients across a variety of industries, focusing on the representation of general contractors in construction disputes, but he also has experience assisting clients in real estate, insurance,

suretyship, and general commercial matters. Mr. Strohm earned his bachelor of science degree in Construction Management from the University of Cincinnati. He earned his juris doctor degree from the University of Cincinnati College of Law, where he served on the Executive Committee of the Law Review and earned numerous academic distinctions. He has also been published in the area of employment discrimination.

Kent A. Britt *Partner, Vorys, Sater, Seymour & Pease, LLP*

Mr. Britt is a partner in Vorys' Cincinnati office and a member of the litigation practice group. His practice is focused on business and commercial litigation. He has significant experience representing clients in complex commercial, banking, insurance, construction, employment, ERISA, and shareholder derivative and fiduciary duty litigation. Mr. Britt received his J.D. degree from the University of Cincinnati College of Law and his B.S. degree from Indiana University, Kelley School of Business. He has presented on the issues of alternative dispute resolution, law for design professionals in Ohio, fundamentals of construction law, construction contracts, public competitive bidding and contracting in Ohio, ESI and e-discovery, lender liability, and consumer financial services law.

James D. Houston *Shareholder, Strauss Troy, LPA*

Mr. Houston focuses his practice on construction and complex commercial litigation, surety law and OSHA compliance and claim defense. He also assists clients with their labor and employment needs. Mr. Houston's trial experience includes first chair representation of contractors, design professionals, employers, sureties and business owners in both arbitration and traditional trial court settings (including actions for emergency injunctive relief). He has also successfully defended employers against various wrongful death and discrimination claims. Mr. Houston also assists his clients with contract drafting and negotiation.

Seminar Information

Holiday Inn Eastgate (I-275E)

4501 Eastgate Blvd.
Cincinnati, OH 45245
(513) 752-4400

Registration
8:00 - 8:30 am
Morning Session
8:30 am - 12:30 pm
Lunch (On your own)
12:30 - 1:30 pm
Afternoon Session
1:30 - 5:00 pm

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 PDHs to professional engineers, including 1.0 ethics hour, and 7.0 HSW continuing education hours to architects in all states. Educators and courses are not subject to preapproval in Ohio.

This seminar is approved by the American Institute of Architects for 7.0 LU|HSW (Sponsor No. J885). Only full attendance can be reported to the AIA/CES. Visit www.halfmoonseminars.org for complete AIA information under this course listing.

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 engineers and architects.

This course offers a non-credit continuing education opportunity to contractors. It has not been approved by any state contractor licensing entity for licensing maintenance.

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

Introduction to Hydro Energy Logic Modeling Software (HELP-FL)

- **Introduction to Hydro Energy Logic Program Modeling Software (HELP-FL), Part I**
Tues., August 20, 2019, 11:00 AM - 2:00 PM CDT
- **Introduction to Hydro Energy Logic Program Modeling Software (HELP-FL), Part II**
Wed., August 21, 2019, 11:00 AM - 2:30 PM CDT

Commercial Solar Peaker Batteries

- **Commercial Solar Peaker Batteries, Part I**
Wed., September 4, 2019, 11:00 AM - 2:15 PM CDT
- **Commercial Solar Peaker Batteries, Part II**
Thurs., September 5, 2019, 11:00 AM - 2:15 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!

A full recording of this seminar is available for \$289, which includes shipping and handling. This learning method does not qualify for the continuing education requirements of Ohio engineers, architects, and AIA members. No contractor credit available. Please allow five weeks from the seminar date for delivery.

Registration

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How to Register		Registrant Information
Online: www.halfmoonseminars.org		Name: _____ Company/Firm: _____ Address: _____ City: _____ State: _____ Zip: _____ Occupation: _____ Email: _____ Phone: _____
Phone: 715-835-5900		Additional Registrants: Name: _____ Occupation: _____ Email: _____ Phone: _____
Fax: 715-835-6066	Code:	Name: _____ Occupation: _____ Email: _____ Phone: _____
Mail: HalfMoon Education Inc., PO Box 278, Altoona, WI 54720-0278		Name: _____ Occupation: _____ Email: _____ Phone: _____
Complete the entire form. Attach duplicates if necessary.		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)

Checks: Make payable to HalfMoon Education Inc.

Credit Card: *Mastercard, Visa, American Express, or Discover*

Credit Card Number: _____

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