

Agenda

Understanding Construction Contract Essentials

M. LaFratta

Examining contract terminology and concepts: parties, consideration, term, performance, substantial performance, breach, remedies, damages, limit of liability, indemnity, termination, intellectual property licensing and infringement, incoterms and UCC shipping terms

Understanding the project delivery system: traditional design-bid-build, design-build, construction manager at risk, multiple prime contractor, owner control, design ownership or license?

Understanding types of construction contracts: lump sum, cost plus, time and materials, unit pricing, guaranteed maximum price, not to exceed

Exploring the law of construction contract interpretation: integration clause and parol evidence, contract formation, contra proferentem, excused of performance

Assigning and Assessing Responsibilities and Liabilities in Contract Administration and in Construction Administration

J. Watson

Responsibilities and liabilities of the:

- Contract manager
- Construction law attorney
- Project manager
- Third-party inspectors

Responsibilities and liabilities in construction administration

Assessing a Design Professional's Potential Liability arising from the Design, Design Delegation, and Submittal Review Process

B. Dulin

Distinctions between tort liability and contractual liability

Professional liability arising from design responsibilities

Professional responsibilities and liability arising from submittal reviews

Principal Potential Disagreements, Disputes and Claims During the Procurement, Construction, and Post-Construction Phases

J. Watson

Principal areas for:

- Conflicts involving procurement
- Conflicts involving construction
- Post-construction conflicts
- Conflicts with subcontractors & suppliers

Claims' preservation and resolution

Handling Ethical Issues in Construction Contracting

A. Moss

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

Current Trends & Developments in Environmental Assessments for Major Civil Works and Transportation Projects

B. Dulin

Types of projects subject to the National Environmental Policy Act

The NEPA process and Virginia's DEQ involvement

Pertinent DOT and Department of Defense regulations

Recent judicial decisions on environmental assessments & impact statements

Construction Contract Workshop

Richmond, VA - Friday, January 18, 2019

NON-PROFIT
U.S. POSTAGE PAID
EAU CLAIRE, WI
PERMIT NO. 2016

Halfmoon Education Inc.
PO Box 278
Altoona, WI 54720-0278



Learning Objectives

You'll be able to:

Understand contract terminology and review common types of construction contracts, including lump sum, cost plus, and time and materials.

Identify the responsibilities of design professionals, construction managers, third party inspectors, and project managers.

Resolve pre-construction, procurement and construction-related conflicts.

Ensure honesty, integrity, and quality during planning and construction.

Review current trends in environmental assessments for major civil and transportation projects.



Construction Contract Workshop

Richmond, VA - Friday, January 18, 2019



Understand common types of construction contracts, including lump sum and unit pricing

Learn about assigning responsibility and liability in construction and contract administration

Discuss the difference between tort and contractual liability

Examine how to handle disputes during procurement, construction, and post construction

Identify ethical issues in construction contracting

Review current trends in environmental assessments for civil and transportation projects

Continuing Education Credits

Professional Engineers

7.0 Continuing Ed. Hours

Contractors

Non-Credit Continuing Ed.

Architects

7.0 Continuing Ed. Hours (HSW)

7.0 AIA HSW Learning Units



HalfMoon Education Inc.
WWW.HALFMOONSEMINARS.ORG



Faculty

Mark J. La Fratta *McGuire Woods, Richmond*
Mr. La Fratta has more than 35 years’ experience supporting clients on the development and construction of energy and industrial projects such as LNG facilities, power plants and food processing facilities, as well as large commercial construction, such as office towers. He has represented the owners, lenders and customers of most types of power generation projects, including hydro, biomass, coal, lignite, pet coke, nuclear, natural gas, waste-fired, landfill gas, wind and solar (PV and CSP). A recognized authority in his field, Mr. La Fratta has written on construction, energy and utility-related topics for a number of organizations, including for the Energy and Mineral Law Foundation (Drafting and Negotiating Power Purchase Agreements) and the American Society of Mechanical Engineers (Design Build Projects). He has taught classes at a number of industry venues and conferences including the Association of Corporate Counsel and the American Institute of Architects. Mr. La Fratta has been selected as a fellow in the Construction Lawyers Society of America and was named Energy Regulation Lawyer of the Year for Virginia by Best Lawyers for 2018.

James R. Watson, Esq. *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, PE JD *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.

Ashley G. Moss *Vandeventer Black LLP, Richmond*
Ms. Moss concentrates her practice in professional licensing, regulatory compliance, professional liability defense, construction law, and general litigation. She routinely represents architects, engineers, and contractors in a variety of contexts, including litigation, working with governmental agencies/boards (e.g., DPOR/APELSCIDLA), obtaining and maintaining professional licenses and certificates of authorization across the nation, and ensuring compliance with evolving licensing regulations. Ms. Moss also represents design professionals throughout the Commonwealth of Virginia and District of Columbia in connection with alleged breaches of contract, malpractice, and related claims.

Seminar Information

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

Tuition
\$279 for individual registration
\$259 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 continuing education hours to professional engineers and architects (HSW) in most states, including Virginia. Educators and courses are not subject to preapproval in Virginia.

This event has been 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.

Engineers and architects seeking continuing education credit in other states will be able to claim the hours earned at this seminar, in most cases. Refer to specific state rules to determine eligibility.

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.

Additional Learning

Webinar Series

- Residential Energy Code**
- **Introduction to the Residential Energy Code and Mandatory Requirements**
Thurs., Dec. 6, 2018, 11:00 AM - 12:30 PM CST
 - **IECC Residential Building Envelope Requirements**
Thurs., Dec. 6, 2018, 1:00 - 2:30 PM CST
 - **IECC Residential HVAC Requirements**
Fri., Dec. 7, 2018, 11:00 AM - 12:30 PM CST
 - **International Energy Conservation Permit Pathways**
Fri., Dec. 7, 2018, 1:00 - 2:30 PM CST

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

Can’t Attend? Order the Manual and the Audio from the Live Seminar as a Self-Study Package!
An audio recording of this seminar is available for \$289. Allow four weeks from the seminar date for delivery. Please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

Registration

Construction Contract Workshop
Richmond, VA - Friday, January 18, 2019

How to Register		Registrant Information
Online: www.halfmoonseminars.org		Name: _____
		Company/Firm: _____
		Address: _____
		City: _____ State: _____ Zip _____
Phone: 715-835-5900		Occupation: _____
		Email: _____
		Phone: _____
Fax: 715-835-6066		Additional Registrants:
		Name: _____
		Occupation: _____
		Email: _____
		Phone: _____
		Name: _____
		Occupation: _____
		Email: _____
		Phone: _____
Mail: HalfMoon Education Inc., PO Box 278, Altoona, WI 54720-0278		
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 - **\$279.00**. Three or more registrants from the same company registering at the same time - **\$259.00** each.
- () **I am not attending.** Please send me the self study package for **\$289.00**.
- ☐ Downloadable MP3 Audio/PDF Manual
 - ☐ CD/Manual Package
- (Please allow four weeks from seminar date for delivery)

Checks: Make payable to HalfMoon Education Inc.

Credit Card: *Mastercard, Visa, American Express, or Discover*
Credit Card Number: _____
Expiration Date: _____ CVV2 Code: _____
Cardholder Name: _____
Billing Address: _____
City: _____ State: _____ Zip: _____
Signature: _____
Email: _____