

Agenda

Construction Contract Fundamentals

J. Nix

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

T. Toler

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)

A401 - 2017 Standard Form of Agreement Between Contractor and Subcontractor

Agreements Between Owner and Architect, Design Builder, and Construction Manager

T. Pruiett

B101 - 2017 Standard Form of Agreement Between Owner and Architect

A141 - 2014 Standard Form of Agreement Between Owner and Design Builder

A133-2009 Standard Form of Agreement Between Owner and Construction Manager

Where Construction Manager is also Constructor

C401 - 2017 Standard Form of Agreement Between Architect and Consultant

AIA A201: General Conditions

T. Toler

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

M. Cobb

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

E. Hurst

AIA Contract Document Workshop
Atlanta, GA - Wednesday, March 13, 2019

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Learning Objectives

You'll be able to:

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

Evaluate agreements between the owner and the architect, design builder, and construction manager.

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

Explore supplemental or alternate AIA contract documents, including agreements for residential and sustainable projects.

Review completed contract documents for a sample project.



AIA Contract Document Workshop

Atlanta, GA - Wednesday, March 13, 2019



Discuss construction contract fundamentals

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

Review agreements between the owner and the 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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Faculty

Jeffrey J. Nix Taylor English Duma LLP
Jeffrey J. Nix’s legal practice focuses entirely on construction law representing stakeholders involved in every facet of the industry. He frequently advises clients regarding the selection of project delivery methods, the drafting and negotiation of design and construction contracts, and the creation of ancillary documents required to kick start construction. He counsels clients redarging ongoing issues, such as contract administration, health and safety, environmental issues, claims management and dispute avoidance. Mr. Nix guides clients through warranty issues, design and construction defects, payment problems and all forms of dispute resolution. Mr. Nix’s clients span all sectors of the construction industry, ranging from small closely-held businesses which construct high-end residential housing to Fortune 100 companies constructing power plants or manufacturing facilities. Mr. Nix is also very active throughout the pro bono community. He is especially passionate about drafting wills and other estate documents as well as teaching others to draft estate documents for individuals battling serious health issues (cancer, ALS, MS, AIDS) and those serving our communities (military, fire, police). Mr. Nix teaches classes on construction law, including classes at the Georgia Institute of Technology, and he frequently lectures and writes on topics of current interest to the construction industry.

Timothy N. Toler The Toler Firm, LLC
Tim Toler has been litigating and arbitrating construction and business disputes for 35 years, concentrating in construction disputes since 1988. He has represented owners, architects, engineers, sureties, general and specialty contractors, and heavy equipment suppliers on troubled projects throughout the U.S. Mr. Toler was selected for inclusion in *The Best Lawyers in America* in the field of construction law for 2013-2018, is a Charter Fellow of the Construction Lawyers Society of America and has been recognized as a Georgia “Super Lawyer” in the category of construction law every year since 2007 and has received an “AV” rating from Martindale-Hubbell every year since 1993. He has extensive experience litigating and arbitrating multi-million dollar disputes arising out of engineering and heavy equipment supply to power plants in the U.S. and abroad, including serving as U.S. trial counsel for German companies and their U.S. affiliates, on numerous EPC projects from 1997 to 2007. Mr. Toler served as lead counsel in litigating, arbitrating or mediating major contract claims on power generation facilities in Arizona, California, Massachusetts, Texas and Malaysia. He attended the University of Georgia where he graduated, *magna cum laude*, in the Honors Program with a B.A. degree in History in 1980. Mr. Toler graduated from the University of Georgia School of Law in 1983, where he served as Chief Justice of the Honor Court and on the Moot Court Board.

Seminar Information

Hyatt House/Cobb Galleria
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Tracey W. Pruiett Smith, Currie & Hancock LLP
Tracey Pruiett is Of Counsel in the Atlanta office of Smith Currie. She practices in the areas of construction law, civil litigation, and government contracts. She has considerable litigation experience, including sitting first chair in numerous jury trials. She began her legal career in insurance defense, where she gained litigation experience in construction defect cases, commercial disputes, premises liability, motor vehicle carrier liability, and professional negligence matters. She also spent several years as a consultant and then as assistant director for a government contractor that provided management consulting services to the Department of Defense. Her experience as a government contractor and in managing government contracts gives her helpful insight to the legal issues faced by companies seeking to contract with the government. Ms. Pruiett earned her law degree *cum laude* from the University of Georgia School of Law. Ms. Pruiett also holds a degree in Finance from Auburn University.

Mark A. Cobb Founding Partner, Cobb Law Group
For over 20 years, Mr. Cobb has concentrated his practice primarily in the area of subcontractor and construction law and small business law including such diverse areas as business entity formation, contract drafting and interpretation, AIA document review, construction liens, payment bond claims, and Miller Act litigation. Mr. Cobb has represented many international, national and regional firms while also serving on numerous private and non-profit boards. He is currently working on a book on subcontractor law to be published by the ABA, and he serves as adjunct faculty in the Thomas University MBA program.

Eric Hurst Member and cofounder of Hurst + Sawyer LLC
Mr. Hurst’s law practice is focused on providing excellent legal advice to contractors, subcontractors, engineers, architects, and owners regarding the resolution of construction disputes and the negotiation and drafting of construction contracts. Prior to entering the practice of law, he spent 16 years with Hurst Construction Co., Inc., in Murfreesboro, Tennessee, where his primary duty was to estimate and bid excavation, paving, and utility projects for commercial and governmental owners and contractors. His extensive estimating experience gives him a unique perspective in resolving disputes and negotiating contracts. Mr. Hurst uses this unique perspective to help his clients identify the best path forward in disputes and contract negotiations.

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Wed., Feb. 6, 2019, 11:00 AM -2:15 PM CST
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Registration

AIA Contract Document Workshop

Atlanta, GA - Wednesday, March 13, 2019

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