

# Agenda

<b>Understanding Construction Contract Essentials</b> 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	<i>R. Sherman</i>
<b>Reviewing Bidding Documents</b> Invitation Instructions Information	<i>M. Lakind</i> Bid form Bid bond Addenda
<b>Reviewing Project Documents</b> Use of standard forms or custom documents Agreement Payment bond Specifications (Format, CSI 1995 and 2004) Shop drawings	<i>D. Cohen</i> Performance bond Contract conditions (general and supplementary) Contract modifications (change orders, directives, etc.)
<b>Understanding Issues in Contract Administration</b> Insurance and indemnity issues Chain of command issues Subcontracts Payments Breach and pitfalls	<i>S. Nudelman</i> Changes and change orders Substantial and final completion
<b>Making Changes to Construction Contracts</b> What types of changes require a change order? Preparing a change order Communicating the change Constructive changes: what happens when a change order does not happen? Best practices for managing changes	<i>S. Nudelman</i>
<b>Examining Legal Issues and Contract Disputes</b> Changed conditions Project documentation Delays, acceleration Handling payment claims and final payments Resolving disputes through mediation, arbitration, litigation Understanding contractual and statutory warranties	<i>L. Johnson</i>

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## Construction Contract Workshop

Live, Interactive Webinar - Wednesday, November 1, 2023

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## Learning Objectives

- You'll be able to:**
- Understand** types of construction contracts, including lump sum, cost plus, time and materials, and unit pricing.
  - Examine** bid forms and bid bonds.
  - Explore** contract conditions and insurance and indemnity issues.
  - Discuss** changes and change orders.
  - Resolve** construct disputes through mediation, arbitration, and litigation.



HalfMoon Education Live Webinars

# Construction Contract Workshop

Live, Interactive Webinar - Wednesday, November 1, 2023



- Understand** construction contract types and terminology
- Review** bidding documents, contracts and conditions
- Explore** issues in contract administration
- Get tips on** making changes to contracts
- Discuss** handling payment claims and final payments
- Examine** contract disputes

### Continuing Education Credits

- |  |   |
|--|---|
| <b>Professional Engineers</b><br>7.0 PDHs*             | <b>International Code Council</b><br>.7 CEUs (Administration) |
| <b>Architects</b><br>7.0 Non-HSW CE Hours*<br>7.0 LUs* |   |

\* Does not qualify in states which require HSW coursework.



# Webinar Information

<b>Log into Webinar</b> 8:30 - 9:00 am CDT	<b>Break</b> 1:00 - 1:30 pm CDT
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# Faculty

**Ryan P. Sherman** *Porter Wright Morris & Arthur, LLP, Columbus, OH*  
Mr. Sherman is a partner in Porter Wright’s litigation department and co-chairs the firm’s construction practice group. He concentrates his practice on complex commercial disputes, with a particular focus on construction matters. Mr. Sherman regularly represents owners, contractors, subcontractors, suppliers, and architects/engineers in contract matters, disputes, and litigation. He has been recognized by Chambers USA as a “Leader in the Field” for general commercial litigation, which described him as “one of the next generation of leading Ohio litigators.” Mr. Sherman has also been recognized as a Super Lawyers Rising Star every year since 2009. He received a B.A. degree from The Ohio State University and a J.D. degree from The Ohio State University Michael E. Moritz College of Law. Mr. Sherman is a member of the American Bar Association’s Forum on Construction Law, the Columbus Bar Association’s Construction Law Committee, and the Builders Exchange of Central Ohio.

**Matthew Lakind** *Tesser & Cohen, Hackensack, NJ*  
Matthew Lakind’s practice focuses on construction law including construction defect litigation, Consumer Fraud Act claims, equitable adjustment/delay claims, insurance issues related to construction, construction lien law, public bid protests, professional malpractice claims involving design professionals, and negligence/tort claims arising out of construction projects. Mr. Lakind also drafts and negotiates contracts for a wide array of construction projects, including large public and commercial projects, solar power installations under Master Service Agreements, and residential contracts. Mr. Lakind handles all aspects of construction-related litigation, including trials, depositions, motion hearings, and navigating the discovery process. He has tried several cases to conclusion both in the Superior Court of New Jersey and before the American Arbitration Association. Those cases involved issues over environmental remediation, defective work, the New Jersey Prompt Payment Act, and personal injury claims. Mr. Lakind has ample experience practicing before the New Jersey Appellate Division, having briefed and argued on a variety of issues including public bid protests, insurance coverage, and the effect of arbitration clauses in construction contracts. Mr. Lakind has been practicing law since 2006 and is admitted to the Bar in both New York and New Jersey.


**Danielle E. Cohen** *Tesser & Cohen, Hackensack, NJ*  
Ms. Cohen is an attorney at Tesser & Cohen in Hackensack, New Jersey. Ms. Cohen focuses her practice on construction litigation and condominium association law. She has represented a diverse range of construction clients, including owners, general contractors, subcontractors and material suppliers. Ms. Cohen has been involved in both prosecuting and defending claims on private and public projects in New Jersey and New York, including delay claims, construction lien and mechanic’s lien foreclosure actions, defective work claims, bond claims, prompt payment act claims and trust fund issues. She has also represented condominium associations in the prosecution of construction defect claims, and has assisted condominium associations with general condominium matters. Ms. Cohen is listed in the New Jersey editions of *Super Lawyers*, *Rising Stars* from 2014 through 2021 and in the New Jersey editions of *Super Lawyers* for 2022 in the field of construction law. Ms. Cohen is the co-chair of the New Jersey State Bar Association, Construction Law Section.

**Steven Nudelman** *Greenbaum, Rowe, Smith & Davis LLP, Red Bank, NJ*  
Mr. Nudelman is a partner at Greenbaum, Rowe, Smith & Davis LLP in Red Bank, New Jersey. Mr. Nudelman concentrates his practice in construction law. For over 25 years he has represented members of the construction industry across a broad spectrum of matters. As chair of his law firm’s Construction Contracting & Risk Management Practice Group, Mr. Nudelman works with owners and developers, construction managers, general contractors, subcontractors and design professionals to prepare and negotiate contract documents for domestic and international construction projects. Mr. Nudelman’s construction contracting work helps his clients manage the risk inherent in construction projects so they may adequately protect their interests now to avoid claims and disputes in the future. When claims and disputes are unavoidable, Mr. Nudelman draws upon his wide-ranging experience in construction litigation, representing clients in state and federal courts throughout the New Jersey/New York metropolitan area, as well as in local and international mediations and arbitrations. A graduate of Rensselaer Polytechnic Institute (cum laude) and Brooklyn Law School (cum laude), Mr. Nudelman is admitted to practice law in the state and federal courts of New York (Second Circuit Court of Appeals and Southern & Eastern Districts of New York), and New Jersey (District of New Jersey).

**Lindsay T. Johnson** *Tarter Krinsky & Drogin LLP, New York, NY*  
Ms. Johnson is an associate in Tarter Krinsky & Drogin LLP’s Construction Practice. She represents architects, engineers, interior designers, and other design professionals as well as individual property owners, real estate developers, and related clients with operations in the construction sector. Ms. Johnson’s practice focuses on transactional drafting for construction projects. She is experienced in working with AIA documents, design contracts, real property agreements, commercial leases, and numerous other forms of agreement between stakeholders in the real estate and construction industry. Ms. Johnson regularly advises design clients on matters involving professional licensure compliance, project dispute resolution, risk management, negotiating access agreements, and mechanic’s lien filings. Additionally, she provides general counseling advice to construction and design clients, visual artists, and retail startups seeking to protect and enforce their intellectual property rights. Prior to joining Tarter Krinsky & Drogin, Ms. Johnson ran her own practice as a solo construction attorney for two years. Before that, she was an associate attorney in the construction law practice group at Offit Kurman.

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