

# Seminar Agenda

## Understanding Construction Contract Essentials

*J. Escobar*

Examining contract terminology:

- Parties, consideration, term, performance, substantial performance, breach, remedies, damages

Understanding types of construction contracts:

- Payment method
- Award and selection
- Project delivery system
- Number of primes
- Legal description

Studying roles and relationships of project participants:

- Owners, architects/engineers, construction managers, contractors, subs and suppliers

Exploring the law of construction contract interpretation

## Reviewing Contract Documents

*W. Jackowski*

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.)

## Understanding Issues in Contract Administration

*T. Bakal*

Insurance and indemnity issues

Chain of command issues

Subcontracts

Changes and change orders

Payments

Substantial and final completion

Breach and pitfalls

## Examining Legal Issues and Contract Disputes

*R. Angelillo*

Changed conditions

Project documentation

Handling payment claims and final payments

Resolving disputes through mediation, arbitration, litigation

Understanding contractual and statutory warranties

Litigating payment bond claims

Documenting change orders

The Interplay of the "indemnification" and "protection of persons and property" sections of AIA 201

**Construction Contract Workshop**  
Islandia, NY - Wednesday, December, 16th, 2015

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## Learning Objectives

### You'll be able to:

**Identify** different types of construction contracts and understand basic terminology related to performance, breach, remedies and damages.

**Understand** key documents, including performance bonds and payment bonds, and learn about modifying contracts.

**Discuss** contract administration concerns, including chain of command issues and subcontracts.

**Use** standard forms and custom documents for your business needs.

**Evaluate** the interplay of the "Indemnification" and "Protection of Persons and Property" sections of AIA 201.



# Construction Contract Workshop



## Islandia, NY

Wednesday, December, 16th, 2015

**Understand** basic contract principles and the roles of project participants in contracts and agreements

**Review** contract terminology

**Examine** contract documents including those relating to specifications

**Make** changes and modifications

**Learn** about insurance and indemnity issues

**Resolve** contract disputes

### Continuing Education Credits

*Architects*

6.0 HSW Contact Hours

6.0 AIA HSW Learning Units

*Professional Engineers*

6.0 Contact Hours/PDHs

*Contractors*

Non-Mandatory Cont. Ed.



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# Faculty

## Jeffrey Escobar *Counsel with Haynes and Boone LLP*

Mr. Escobar was honored in 2014 as a New York Rising Star in construction, and he continues to be a well-recognized member of the construction and development community, serving on the New York City Bar Association's Construction Law Committee as co-chair of its CLE Subcommittee. He has spoken at various engagements, including the New York City Bar's annual "Construction Contracts 101" and "Construction Contracts 201" series, and he has drafted leading articles including "How 'Exacting' Must an Indemnification Clause of a Contract Be to Entitle a Prevailing Party to Attorney's Fees?" (*NYSBA: Inside*, Fall 2011, Vol. 20, No. 2). Mr. Escobar has worked on diverse projects across the country, including construction of a professional sports stadium and the only aerial commuter tramway system in the country in New York City, to the development and construction of luxury apartment communities in Los Angeles County and the engineering of energy facilities in the Gulf of Mexico. Mr. Escobar is a committed advocate for responsible community development. He serves on New York City's Manhattan Community Board 8 as an appointed board member by the Manhattan borough president, and he chairs its Roosevelt Island-Cornell Technion Task Force tasked with the community approval and management of the construction of the Cornell Tech NYC Graduate School and campus.

## Wojciech 'Voytek' Jackowski *Attorney with Menaker & Herrmann*

Mr. Jackowski is a partner in Menaker & Herrmann LLP. His practice focuses on commercial and corporate dispute resolution. In addition to appearing in federal and state

courts and before arbitration panels and administrative panels domestically, Mr. Jackowski has experience in international aspects of litigation. He has represented entities and individuals in cases involving property loss claims, construction issues, white-collar crime, personal injury, trade and contract disputes, and claims under federal labor law. Mr. Jackowski also advises clients on international facets of litigation and dispute resolution, as well as criminal and civil facets of various international income reporting obligations. Prior to joining the firm, Mr. Jackowski was a senior assistant district attorney with the Brooklyn District Attorney's Office where he was part of the Money Laundering and Revenue Crimes Bureau and the Rackets Division. There he concentrated on the investigation and prosecution of business and securities fraud, money laundering, and corporate and individual income and sales tax evasion. He also supervised investigations relating to identification and civil forfeiture of criminally obtained assets.

## Todd A. Bakal *Attorney at the Law Office of Todd A. Bakal*

For more than 20 years, Mr. Bakal has helped people with their business and personal legal needs. During that time, he has focused his practice in the areas of construction, environmental, and general commercial litigation as well as insurance coverage disputes. Outside of the courtroom, Mr. Bakal helps individuals and business owners with real estate, business formation and succession, regulatory work, and trust and estate planning and administration issues. He is a graduate of the University of Michigan, where he double-majored in Philosophy and Computer Science. Mr. Bakal

then attended George Washington University Law School. Prior to practicing law, he founded RBI Software, Inc., which specialized in the development of commercial vertical market applications. This led to his involvement in and passion for cutting-edge computer and internet legal issues. Mr. Bakal is a member of the New York State Bar Association, the New Jersey State Bar Association, the Westchester County Bar Association, and the New York City Bar Association (where he has served on the Construction Law and Computer Law Committees), and he is admitted to the New York and New Jersey bars.

## Robert Angelillo *Attorney with Arkin Solbakken LLP*

Mr. Angelillo is a partner at Arkin Solbakken LLP in New York City. Mr. Angelillo is an experienced commercial litigator with a diverse practice in the state and federal courts of New York and New Jersey. Mr. Angelillo has represented clients in a wide range of complex commercial matters, including representing owners, general contractors and subcontractors in both public and private project construction disputes. He has prosecuted and defended against claims for breach of contract, breach of fiduciary duty, commercial fraud, business torts, and professional liability and malpractice. Mr. Angelillo has also worked on Federal Fair Debt Collection Practices Act claims and disability benefits claims, including administrative appeals under ERISA. He has also negotiated and drafted complex commercial and construction contracts. Mr. Angelillo has written on legal matters affecting the construction industry, with articles published in *New York Construction*, and has lectured on construction law and litigation at numerous construction trade associations.

# About the Seminar

Islandia Marriott Long Island  
3635 Express Drive North  
Islandia, NY 11749  
(631) 232-3000

## Tuition

**\$269** for individual registration  
**\$249** for three or more simultaneous registrations. Each registration includes one copy of *Construction Contract Workshop*.

**Receive a reduced tuition rate of \$101** by registering to be our on-site coordinator for the day. For availability and a job description, go online to [www.halfmoonseminars.org](http://www.halfmoonseminars.org).

## Four Easy Ways to Register Today!

Register online at [www.halfmoonseminars.org](http://www.halfmoonseminars.org), mail in registration form to **HalfMoon Education Inc., PO Box 278 Altoona, WI 54720-0278**, fax the form to (715) 835-6066, or call a customer service representative 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. You may also send another person to take your place.

Registration  
8:00 - 8:30 am  
Morning Session  
8:30 - 11:30 pm  
Lunch (On your own)  
11:30 am - 12:30 pm  
Afternoon Session  
12:30 - 4:00 pm

## Continuing Education Credit Information

This seminar is open to the public and offers up to 6.0 HSW continuing education hours to architects and 6.0 PDHs to professional engineers in most states, including New York and New Jersey.

HalfMoon Education is deemed a New York-approved continuing education provider for architects via its affiliation with the American Institute of Architects. HalfMoon Education is an approved continuing education provider for New York engineers (NYSED Sponsor No. 35) and New Jersey engineers (Approval No. 24GP0000700).

The American Institute of Architects has approved this event for 6.0 HSW Learning Units (Sponsor No. J885). Courses approved by the AIA qualify for New Jersey and District of Columbia architects.

This event offers a continuing education opportunity to construction contractors, but it has not been approved by any state with a continuing education requirement for contractors.

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.

## Webinar Series

### Solar Electric Energy Systems Webinar Series

- **Solar Photovoltaic Project Design**  
November 4, 2015, 12:00 - 4:30 PM EDT
- **Solar Photovoltaic Project Development**  
November 5, 2015, 12:00 - 3:30 PM EDT

### Small Wind Energy System Webinar Series

- **Small Wind Energy System Components**  
November 11, 2015, 12:00 - 2:00 PM EDT
- **Small Wind Energy Siting and Sizing**  
November 12, 2015, 12:00 - 2:00 PM EDT

For more information visit:

[www.halfmoonseminars.org/webinars/](http://www.halfmoonseminars.org/webinars/)

# Registration

## Construction Contract Workshop

Islandia, NY - Wednesday, December, 16th, 2015

### How to Register

**Online:**  
[www.halfmoonseminars.org](http://www.halfmoonseminars.org)

**Phone:**  
715-835-5900

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**Mail:**  
HalfMoon Education Inc.  
PO Box 278, Altoona, WI  
54720-0278

**Complete the entire form.**  
Attach duplicates if necessary.

### Registrant Information

Name: \_\_\_\_\_

Company/Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Occupation: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

### Additional Registrants:

Name: \_\_\_\_\_

Occupation: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Name: \_\_\_\_\_

Occupation: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

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 - **\$269.00**. Three or more registrants from the same company registering at the same time - **\$249.00** each.

**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: \_\_\_\_\_

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