

Seminar Agenda

Understanding Construction Contract Essentials

J. Hays

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 Bidding Documents

M. Leach

Invitation Bid form
 Instructions Bid bond
 Information Addenda

Reviewing Contract Documents

M. Gillies

What constitutes the contract documents

- Agreement
- Contract conditions (general and supplementary)
- Plans and specifications
- Contract modifications (change orders, directives, etc.)
- Bonds
- Other

Use of standard forms or custom documents

- AIA, EJCDC, ConsensusDOCS

Review and interpretation of key contract terms

- Scope/schedule
- Compensation and payment
- Hierarchy of documents/terms
- Risk-shifting provisions

Understanding Issues in Contract Administration

S. Smith

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

D. Duzyk

Changed conditions
 Delays, acceleration
 Design and construction defects
 Payment claims and final payments
 Project documentation
 Contractual and statutory warranties
 Resolving disputes through mediation, arbitration, litigation

Construction Contract Workshop
 Lexington, KY - Friday, February 19, 2016

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 PO Box 278
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Learning Objectives

You'll be able to:

Examine contract terminology, types of construction contracts and the law of contract interpretation.

Learn about bidding documents.

Review use of standard forms as well as custom documents.

Explore insurance and indemnity issues.

Resolve disputes through mediation, arbitration and litigation.



Construction Contract Workshop



Lexington, KY
 Friday, February 19, 2016

Study contract terminology, types of construction contracts and the law of contract interpretation

Review bidding documents and the bid process

Examine use of standard forms as well as custom documents

Review insurance and indemnity issues

Learn about resolving disputes through mediation, arbitration and litigation

Continuing Education Credits

Architects
 7.0 Contact Hours (HSW)
 7.0 AIA HSW Learning Units

Professional Engineers
 7.0 PDHs

Landscape Architects
 7.0 Contact Hours (HSW)
 7.0 LA CES HSW PDHs

Contractors
 Non-Mandatory CE Hours

Attorneys
 7.0 Kentucky CLE
 Hours



Faculty

John W. Hays *Member of Jackson Kelly PLLC in Lexington*

Mr. Hays has experience representing clients in litigation matters, including personal injury defense, property damage, insurance coverage and indemnity disputes. He has also represented clients in the oil and gas industry in federal and state investigations and other matters. Mr. Hays' practice is primarily focused in construction litigation, contracts and commercial litigation. He also has extensive training and experience as a mediator in construction, commercial, employment and personal injury disputes and is on the CPR Regional Panel of Neutrals. Mr. Hays has also served as an arbitrator and is on the Commercial Arbitration Panel for the American Arbitration Association. He is a frequent author and lecturer on topics related to construction and alternative dispute resolution. Mr. Hays has an AV Preeminent rating by Martindale Hubbell and has been named in the Kentucky Super Lawyers® list since 2009

Mark W. Leach *Attorney at The Mark W. Leach Law Firm, PSC, Louisville*

After receiving his J.D. degree from Tulane Law School, Mr. Leach entered the United States Air Force where he served as the base contracting attorney at each of his base assignments and overseas when he deployed after September 11, 2001. Mr. Leach returned to Kentucky in 2002 and became a member of one of the Commonwealth's largest law firms, developing a practice in public procurement. In private practice, Mr. Leach has advised commercial clients, big and

small, on bidding, protesting, defending an award, and performing public contracts with local municipalities, counties, and state and federal agencies.

Matthew A. Gillies *Senior Attorney & Vice President at HNTB Corporation*

Mr. Gillies drafts and negotiates contracts on behalf of HNTB for large-scale infrastructure, engineering, and architectural projects. Prior to joining HNTB, Mr. Gillies served as a member of Stites & Harbison, PLLC, where he represented owners, contractors, subcontractors and design professionals in all aspects of construction law, including contract drafting, negotiation and litigation. A former chair of the Contract Documents Division of the American Bar Association Forum on the Construction Industry, Mr. Gillies is active in several national construction-related organizations and regularly speaks on numerous construction law topics. He received his B.S. degree in Civil Engineering and worked as a construction manager prior to attending the University of Kentucky College of Law.

Stephen E. Smith *Partner with Goldberg Simpson in Louisville*

Mr. Smith's primary areas of practice are construction, public contracting and litigation. He frequently acts as arbitrator and is an experienced mediator. Before joining the firm in 1989, Mr. Smith served the public sector with the United States Army Corps of Engineers for 15 years. In 1983, Mr. Smith became district counsel,

and as senior legal advisor concentrated heavily in construction claims and disputes. Mr. Smith earned both his B.A. and his law degrees from the University of Louisville. He is a frequent lecturer and instructor in all areas of construction project management, federal acquisition and construction claims administration. Mr. Smith is a member of the Federal, Kentucky, and Louisville Bar Associations, and the ABA Forum on The Construction Industry, and he is a founding member of the Kentucky Bar Association Construction Practice Section.

Darren J. Duzyk *Attorney at Darren J. Duzyk, PLLC in Lexington*

Mr. Duzyk has been in and around construction nearly all of his life, with field experience as a laborer/equipment operator, estimator, operations manager, construction attorney, arbitrator and mediator. He has served as the general counsel and director of risk management for a large transportation/heavy highway contractor with diversified interests in commercial building construction and material production. His legal practice experience has involved a wide variety of disputes in building construction relating to defects, design and construction errors and a variety of contract disputes. His representations have included owners, general contractors, design-builders, subcontractors, sureties and designers on commercial building, industrial and public infrastructure projects.

About the Seminar

Courtyard by Marriott Keenland/Airport
3100 Wall Street
Lexington, KY 40513
(859) 224-0460

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.

Four Easy Ways to Register Today!

Register online at 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 or the CD/manual package. You may also send another person to take your place.

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

Continuing Education Credit Information

This seminar is open to the public and offers up to 7.0 HSW continuing education hours to architects and landscape architects and 7.0 PDHs to professional engineers in Kentucky. Educators and courses are not subject to preapproval in Kentucky.

This event is approved by the American Institute of Architects Continuing Education System for 7.0 HSW Learning Units (Sponsor No. J885) and the Landscape Architect Continuing Education System for 7.0 HSW PDHs.

Architects and engineers seeking continuing education credits in other states will be able to apply the hours earned at this seminar, in most cases. Refer to specific state rules to determine eligibility.

This seminar offers a continuing education opportunity to construction contractors. It is not approved by any state licensing entity for contractor continuing education credit.

The Kentucky Bar Association has approved this seminar for 7.0 CLE hours, including no ethics credit, for attorneys.

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

Septic System Webinar Series

- **Septic System Basics**
Thurs., January 7, 12:00 - 1:30 PM EDT
- **Conventional Treatment System Selection and Design**
Thurs., January 7, 2:00 - 3:30 PM EDT
- **Advanced Treatment System**
Fri., January 8, 12:00 - 1:30 PM EDT
- **Septic System Maintenance and Troubleshooting**
Fri., January 8, 2:00 - 3:30 PM EDT

For more information visit:

www.halfmoonseminars.org/webinars/

CD/Manual Package

An audio recording of this seminar is available for \$279 (including shipping). Allow five 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

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How to Register

Online:

www.halfmoonseminars.org

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54720-0278

Complete the entire form.

Attach duplicates if necessary.

Registrant Information

Name: _____

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Additional Registrants:

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Occupation: _____

Email: _____

Phone: _____

Name: _____

Occupation: _____

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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.

() **I am not attending.** Please send me the CD manual package for **\$279.00**. (S&H included. Please allow five weeks from seminar date for delivery)

Checks: Make payable to HalfMoon Education Inc.

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