

# Seminar Agenda

## Understanding Construction Contract Essentials

*M. Rowley*

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, contractors, subs and suppliers
- Traditional project delivery
- Design-build
- Construction manager at risk

Exploring the law of construction contract interpretation

## Reviewing Bidding Documents

*T. Radio*

Invitation Bid form  
Instructions Bid bond  
Information Addenda

## Reviewing Contract Documents

*J. Short*

Agreement Performance bond  
Payment bond  
Contract conditions (general and supplementary)  
Specifications (Format, CSI 1995 and 2004)  
Shop drawings

## Managing the Change Order Process to Make Sure You Get Paid What You Deserve

*C. Schoenwetter,  
M. Carey*

The purpose of change orders  
Ordered changes  
Cardinal changes  
Constructive changes  
Requirements for making changes  
How to create an effective change order  
How formal requirements for change orders are waived  
Liability issues associated with change orders

## Slaying the Dragon: Effectively Resolving Construction Disputes

*C. Schoenwetter,  
M. Carey*

Claims recognition  
How to prepare claims  
Negotiation and settlement  
Mediation  
Arbitration  
Litigation  
Payment of fees and expenses

Construction Contract Workshop  
Eagan, MN - Wednesday, May 20, 2015

## Learning Objectives

### You'll be able to:

**Identify** types of construction contracts and examine contract terminology.

**Review** bidding documents including the bid form, bid bond, addenda and more.

**Discuss** payment bonds, performance bonds, conditions and specifications.

**Understand** the purpose and types of change orders, and get tips on creating effective change orders.

**Learn** how to effectively resolve construction disputes through mediation, arbitration and litigation.

# Construction Contract Workshop



## Eagan, MN

Wednesday, May 20, 2015

**Explore** construction contract terminology and the law of contract interpretation

**Review** bidding documents

**Receive** an overview of contract documents, including conditions, specifications and shop drawings

**Learn** how to manage the change order process

**Discuss** how to resolve construction disputes effectively

### Continuing Education Credits

*Architects*  
6.5 PDHs  
6.5 AIA HSW Learning Units

*Landscape Architects*  
6.5 PDHs  
6.5 LA CES HSW PDHs

*Professional Engineers*  
6.5 PDHs

*Contractors*  
Non-Mandatory Cont. Ed.



# Faculty

**Michael S. Rowley** *Partner with Terhaar, Archibald, Pfeifferle & Griebel, LLP in Minneapolis*

Mr. Rowley primarily practices in commercial and residential construction defense litigation. He has extensive experience representing all types of parties, including cities and school districts, private owners, design professionals, contractors and trades. He has drafted and defended numerous construction contracts for commercial and residential projects. His practice includes analysis and motions involving contractual indemnity and insurance coverage related to construction projects. He has worked for over ten years in representing contractors in moldy house cases. Mr. Rowley has also handled products liability subrogation and defense, including such varied products as windows, copy machines, and steel buildings. He also represents clients in personal injury defense, insurance coverage and vehicle accident litigation. He is a frequent speaker on construction defect and mold litigation topics to insurance industry groups and in continuing legal education seminars. Mr. Rowley is a member of the Minnesota State Bar Association, the Hennepin County Bar Association, the Minnesota Defense Lawyer's Association, and the National Association of Subrogation Professionals. He was named a Minnesota Super Lawyer for 2014 by *Minnesota Law & Politics*.

**Thomas J. Radio** *Attorney with Best & Flanagan LLP in Minneapolis*

Mr. Radio is a member of the firm's Construction, Litigation and Dispute Resolution, and Real Estate practice areas. He provides a range of services and creative solutions for corporations, individuals, non-profit organizations, and public entities on issues related to construction, real estate valuation, and land use. He has acted as counsel for both private and public entities on construction, land

use, eminent domain, and land valuation matters. He has represented owners and developers who sought governmental approvals, and faced special assessment and eminent domain proceedings. For those in the construction industry, Mr. Radio has been adept at negotiating construction contracts, litigating payment, delay, and defect claims and resolving bid disputes. He serves as a mediator and arbitrator, and is listed on the Minnesota Supreme Court's Rule 114 roster of qualified neutrals. Mr. Radio has been named a certified civil law trial specialist and certified real property law specialist by the Minnesota State Bar Association and has been recognized as a Minnesota "Leading Attorney" and Super Lawyer by *Minnesota Law and Politics*. He has also achieved an AV Preeminent rating from Martindale-Hubbell.

**Justin P. Short** *Partner with Best & Flanagan LLP in Minneapolis*  
Mr. Short is a partner in the firm's Construction, Real Estate and Litigation practice groups where he represents prime contractors, subcontractors and commercial landowners. He specializes in construction claims relating to highway and bridge projects, Department of Transportation claims, federal MATOC agreements, mechanic's liens, surety and bond claims, bid protests, indemnity obligations, construction contract disputes and commercial and multi-family residential construction defects. He has represented contractors on these construction matters throughout Minnesota, North Dakota, South Dakota, Iowa, Illinois, Arizona, Texas and Colorado. Mr. Short is recognized as a Rising Star by *Minnesota Law & Politics* and is a national lecturer on construction and real estate industry topics throughout the United States.

**Charles (C.J.) Schoenwetter** *Partner with Bowman and Brooke LLP in Minneapolis*  
Mr. Schoenwetter concentrates his civil litigation practice

in the areas of general commercial, construction and premises liability litigation, with a special focus relating to Uniform Commercial Code, product liability, and tort claims. His experience also extends to the area of alternative dispute resolution, including arbitration. He represents both large and small clients, including Fortune 500 companies, entrepreneurs, government regulatory agencies, lenders, builders, developers and property owners. Representative cases include claims alleging negligence, breach of contract, and violation of non-compete agreements, as well as enforcement actions on personal guaranties and claims brought under the Uniform Fraudulent Transfer Act. Mr. Schoenwetter authors many articles and teaches seminars across the country relating to commercial litigation, banking and construction issues.

**Michael R. Carey** *Senior Counsel with Bowman and Brooke LLP in Minneapolis*

Mr. Carey is a trial attorney who routinely defends corporations in products liability and complex commercial litigation lawsuits. He has tried cases in Minnesota, Florida, New York, and the U.S. Virgin Islands. In 2014, he first-chaired the defense of a case involving allegations under the Minnesota Uniform Fraudulent Transfer Act. In 2013, he chaired a traumatic brain injury trial involving allegations of seatbelt malfunction and breaches of implied warranty. Outside of the courtroom, Mr. Carey frequently publishes and speaks on issues facing the transportation industry. Before becoming a lawyer, he worked for a family trucking company located in central Minnesota. Mr. Carey applies the common sense lessons he learned in small business to help his corporate clients obtain efficient and practical results in litigation.

# About the Seminar

Holiday Inn Airport SE-Mall Area  
2700 Pilot Knob Road  
Eagan, MN 55121  
(651) 454-3434

## Tuition

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

## 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 (CDT), 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 - 4:30 pm

## Continuing Education Credit Information

This seminar is open to the public and offers up to 6.5 professional development hours to Minnesota architects, landscape architects, and engineers. Educators and courses are not subject to preapproval in Minnesota.

This seminar is approved by the American Institute of Architects for 6.5 HSW Learning Units (Sponsor No. J885) and the Landscape Architect Continuing Education System for 6.5 HSW PDHs.

Minnesota architects, landscape architects, and engineers with continuing education requirements in other states will be able to apply the hours earned at this seminar, in most cases. HalfMoon Education is an approved continuing education sponsor for architects in Florida and is deemed an approved sponsor in New York. HalfMoon Education is an approved continuing education sponsor for engineers in Florida, Indiana, Louisiana, Maryland, New Jersey, New York (NYSSED No. 35), North Carolina, and North Dakota.

This seminar is also designed for the professional enrichment of construction contractors. It has not been approved by any state contractor licensing board.

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.

## 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

## Construction Contract Workshop

Eagan, MN - Wednesday, May 20, 2015

How to Register	
<b>Online:</b> <a href="http://www.halfmoonseminars.org">www.halfmoonseminars.org</a>	
<b>Phone:</b> 715-835-5900	
<b>Fax:</b> 715-835-6066	Key Code
<b>Mail:</b> HalfMoon Education Inc. PO Box 278, Altoona, WI 54720-0278	
<b>Complete the entire form.</b> Attach duplicates if necessary.	
<b>Registrant Information</b> Name: _____ Company/Firm: _____ Address: _____ City: _____ State: _____ Zip: _____ Occupation: _____ Email: _____ Phone: _____	
<b>Additional Registrants:</b> 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.

( ) **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.

**Credit Card:** *Mastercard, Visa, American Express, or Discover*

Credit Card Number: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_ CVV2 Code: \_\_\_\_\_  
Cardholder Name: \_\_\_\_\_  
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