

Seminar Agenda

Understanding Construction Contract Essentials

W. Sommers

Examining contract terminology:

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

Understanding types of construction contracts:

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

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

Managing Risks Before, During, and After Contracting

D. Benjamin

Examination of risk assessment of clients and projects

Review of critical provisions you need and those you need to avoid

Reviewing Contract Documents

C. McMillan

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

J. Hinojosa

Insurance and indemnity issues

Chain of command issues

Subcontracts

Payments

Liquidated damages

Enforcement of general contractor's obligations

Substantial and final completion

Breach and pitfalls

Examining Legal Issues and Disputes

P. Barkhurst Jr.

Changed conditions

Project documentation

Delays, acceleration

Handling payment claims and final payments

Resolving disputes through mediation, arbitration, litigation

Understanding contractual and statutory warranties

Recognizing and Handling Ethical Issues in Construction Contracting

R. Booth

Ethical practice during the bidding process

Recognizing the potential for bribery, kickbacks and gratuities

Avoiding conflicts of interest

Preventing false claims

Construction Contract Workshop
San Antonio, TX - Thursday, May 28, 2015

Learning Objectives

You'll be able to:

Understand contract vocabulary, including consideration, performance, breach, and damages.

Manage risks before, during and after contracting.

Review contract conditions, specifications and shop drawings.

Study insurance and indemnity issues.

Consider changed conditions, and handle delays and disputes.

Examine ethical issues, and reduce the potential for bribery, kickbacks and gratuities.

Construction Contract Workshop



San Antonio, TX

Thursday, May 28, 2015

Understand construction contract terminology and interpret standard terms

Manage risks before, during and after contracting

Avoid ethics issues

Review conditions, specifications and shop drawings

Identify ethical issues and resolve chain of command issues

Continuing Education Credits

Architects

7.5 HSW CEPHs/Contact

Hours

7.5 AIA HSW Learning Units

Professional Engineers

7.5 PDHs, Including

1.0 Ethics Hour

Contractors

Non-Mandatory Cont. Ed.



Faculty

William W. Sommers *Principal with Gardner Law in San Antonio*
Mr. Sommers has an extensive practice in construction and commercial law. He has been associated with Gardner Law (formerly Gardner & Ferguson) since January 1976, and has been a principal since 1978. He represents clients in complex multi-party construction disputes regarding non-performance or defective performance, delay and impact claims, design omissions or defects, and other matters. He has handled disputes in both State and Federal Courts, including the United States Claims Court, and before arbitration panels. He is a frequent speaker at construction law seminars and conferences.

David P. Benjamin *Attorney with Benjamin, Vana, Martinez & Biggs LLP in San Antonio*
After receiving his BBA degree from the University of Texas in 1984, Mr. Benjamin attended law school at Southern Methodist University and received his JD degree in 1987. He was admitted to the Texas Bar in 1987 and is admitted to practice in the US District Courts for the Western and Southern Districts of Texas, the Fifth Circuit Court of Appeals and the US Supreme Court. Mr. Benjamin is a member of the American Bar Association, the State Bar of Texas, the San Antonio Bar Association, the Defense Research Institute, and the Texas Bar Foundation (Fellow). He regularly presents seminars and continuing education to professional associations, industry organizations, clients and attorneys. Mr. Benjamin is AV® Preeminent™ Peer Review Rated in Martindale-Hubbell®.

Chris McMillan *Attorney with Benjamin, Vana, Martinez & Biggs LLP in Austin*
Mr. McMillan holds a B.S. degree in Construction Science from Texas A&M. He went on to work as a project manager for a commercial general contractor in Austin before attending St. Mary's University School of Law. He graduated from St. Mary's *cum laude* and is a LEED AP. Mr. McMillan practices law in both San Antonio and Austin, is a member of the Construction Law Section of both the San Antonio Bar Association and Austin Bar Association, and is a member of the Austin Young Lawyers Association.

Joe R. Hinojosa *Managing Shareholder with Barkhurst & Hinojosa, P.C. in San Antonio*
Mr. Hinojosa began his legal career with the Oppenheimer, Blend, Harrison & Tate, Inc. in the fall of 1998 as a corporate attorney. In 1999, he joined Oppenheimer's Litigation Practice Group. From 1999 to 2010, Mr. Hinojosa handled consumer and commercial claims on behalf of corporations, partnerships and other business entities. He handled construction, condemnation, landlord/tenant and real estate related litigation for private companies as well as public agencies and entities. In February of 2010, he and Paul D. Barkhurst Jr., established the law firm of Barkhurst & Hinojosa, P.C. which concentrates in the areas of civil litigation with a focus on Condemnation, construction, real estate, business, estate/trust disputes and appeals. Over the years he has represented a variety of clients with respect to construction contract matters including owners, general contractors, sub-contractors, and suppliers.

Paul Barkhurst, Jr. *Shareholder with Barkhurst & Hinojosa, P.C., in San Antonio*
Mr. Barkhurst has extensive litigation experience in business and real estate disputes. He has developed a special concentration in the area of eminent domain, representing governmental entities as well as landowners in numerous lawsuits. He has successfully represented numerous owners in ranch power line takings. Mr. Barkhurst also represents governmental entities in construction disputes, and he has represented contractors and subcontractors in private disputes. He also has extensive experience handling complex business dissolution and injunction cases. Mr. Barkhurst has a B.A. degree, with Honors, from Southwest Texas State University and a J.D. degree, *magna cum laude*, from Texas Tech University, and he is a former USAF Captain and F-111 Aviator.

Robert E. Booth *Partner with Mills Shirley LLP in the Galveston office*
Mr. Booth was licensed in 2003 and is an equity partner with Mills Shirley LLP, the oldest continuously operating law firm in the State of Texas. He has BA, BBA, and JD degrees from the University of Texas at Austin. Mr. Booth is a construction lawyer with offices in Houston and Galveston who regularly represents design professionals in negligence claims throughout the State of Texas. He is a director for the Texas Association of Defense Counsel, a statewide association of civil defense lawyers. Mr. Booth is the president of the Galveston County Bar Association and is a formerly elected director for the Texas Young Lawyers Association, a division of the State Bar of Texas.

About the Seminar

Norris Conference Center
618 NW Loop 410 Suite 207
San Antonio, TX 78216
(210) 738-0040

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 pm - 1:30 pm
Afternoon Session
1:30 - 5:30 pm

Continuing Education Credit Information

This seminar is open to the public and offers 7.5 HSW continuing education hours (CEPHs) to architects and 7.5 PDHs, including 1.0 ethics hour, to professional engineers in Texas. Educators and courses are not pre-approved in Texas.

The American Institute of Architects has approved this event for 7.5 HSW Learning Units (Sponsor No. J885).

Texas architects and engineers with continuing education requirements 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, or contact HalfMoon Education for assistance.

This seminar offers contractors a continuing education opportunity, but it has not been submitted to any state contractor licensing entity for continuing education approval

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.

Why Attend A Live Seminar?

- Live seminars offer huge potential for networking opportunities.
- You can share ideas and hear different viewpoints from other like-minded individuals in your field.
- You are engaged in your learning experience as you interact face-to-face with our expert faculty.
- Instructors respond directly and completely to your questions and concerns.


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

San Antonio, TX - Thursday, May 28, 2015

How to Register	
Online: www.halfmoonseminars.org	
Phone: 715-835-5900	
Fax: 715-835-6066	Key Code
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.

() **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: _____

Billing Address: _____

City: _____ State: _____ Zip: _____

Signature: _____

Email: _____