

# Agenda

## Understanding Construction Contract Essentials

David Tolin

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

## Reviewing Bidding Documents

Bill Erwin

Invitation	Bid form	Instructions
Bid bond	Information	Addenda

## Reviewing Project Documents

Rebecca Moss

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

Travis Brown,  
Monte James Jr.

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

Shelly Masters

Changed conditions	Project documentation
Delays, acceleration	
Handling payment claims and final payments	
Resolving disputes through mediation, arbitration, litigation	
Understanding contractual and statutory warranties	

## Handling Ethical Issues in Construction Contracting

Robert Booth

Promoting impartial, merit-based award of construction contracts  
Ensuring honesty, integrity, fair-dealing and quality assurance  
Creating a system of internal practices promoting contract compliance and ethical practices

Construction Contract Workshop  
Austin, TX - Thursday, February 15, 2018

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## Learning Objectives

### You'll be able to:

**Understand** contract terminology and review construction contracts used in different project delivery systems.

**Get** tips on contract modifications and change orders.

**Review** project documents, such as agreements and contract conditions.

**Handle** contract administration issues such as changed conditions, delays, and acceleration.

**Resolve** disputes through mediation, arbitration and litigation.

**Promote** contract compliance and ethical practices.



## Construction Contract Workshop

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**Examine** contract terminology and explore different types of construction contracts

**Review** various project and bidding documents

**Learn** tips on contract modifications and change orders

**Explore** contract administration issues such as chain of command, payments and completion

**Prevent** contract disputes

**Discuss** ways to promote contract compliance and ethical practices

### Continuing Education Credits

#### Professional Engineers

7.0 PDHs (1.0 Ethics)

#### Architects

7.0 HSW CEHours/CEHours  
7.0 AIA HSW Learning Units

#### Contractors

Non-Credit Continuing Ed.



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# Faculty

**David Tolin** *Attorney at Cokinios Young, Austin, TX*  
Mr. Tolin, focuses his practice on the transactional aspects of construction law and routinely assists clients in preparing and negotiating all types of contracts and related project documents. He also counsels clients on business and legal issues that arise during construction projects and helps clients assert and protect their mechanic's lien and bond rights. He has represented a variety of clients in construction litigation and successfully negotiated multiple settlement agreements.

**Bill Erwin** *Attorney at The Chapman Firm, Austin, TX*  
Mr. Erwin's practice focuses on the transactional and dispute resolution aspects of construction law. His experience includes working with clients in all phases of the construction process with an emphasis on contract drafting and negotiation, prevention and resolution of claims, close-out, and dispute resolution. Mr. Erwin spent the first decade of his career as a commercial architect, where his practice encompassed all aspects of project design and construction on large-scale private real estate developments, as well as municipal and institutional projects. His regulatory and procurement expertise has proven invaluable on complex mixed-use and sustainably master-planned projects. His background in design and project management provides him a unique understanding of the complex technical issues involved in construction disputes and allows him to better serve clients before, during and post construction.

**Rebecca Moss** *Attorney at The Chapman Firm, Austin, TX*  
Ms. Moss's practice focuses on representing contractors, owners and developers in transactional and litigation matters arising out of construction projects, including design and construction contract preparation and negotiation, contract administration, risk-evaluation and assessment, prevention and resolution of construction-related claims, guidance through the lien and bond process, project close-out, and dispute resolution. Previously,

Ms. Moss was a project finance attorney where she worked on complex transactions that required new construction and involved both private and public funds. Through this work she learned the importance of having accurate contracts governing the design, engineering and construction of the project and mechanisms to effectively and efficiently resolve disputes. She has also worked as a government affairs consultant for Texas-based companies where she provided information and analysis regarding the effects of state and federal proposals on business operations.

**Travis Brown** *Partner with Allensworth Porter, L.L.P., Austin, TX*  
Mr. Brown is board certified in construction law by the Texas Board of Legal Specialization. His construction law practice includes construction litigation, lien and bond claims, project closeout, and professional liability. He regularly represents owners, engineers, architects, general contractors, subcontractors, and suppliers. Mr. Brown also assists commercial owners and contractors in project closeout disputes, by resolving lien claims and defective work at the end of a project, so that owners can move into permanent financing and all parties can obtain closure on the project in question. In addition, he defends design professionals in commercial design errors and omissions disputes.

**Monte James Jr.**  
*Associate Attorney with Allensworth Porter, L.L.P., Austin, TX*  
Mr. James' practice focuses on contract drafting and negotiation, corporate transactional work, and dispute resolution, including mediation, litigation, and arbitration. He works primarily for owners, developers, general contractors, architects, and engineers. Prior to joining Allensworth & Porter, Mr. James served as in-house counsel for GeoSouthern Energy Corporation, one of the largest privately-held oil and gas companies in the country. While at GeoSouthern, he handled corporate and real estate

transactional work. His experience as corporate counsel brings a fresh and important perspective to the clients he serves.

**Shelly Masters** *Attorney and Principle at Cokinios Young, Austin, TX*  
Shelly Masters has more than 15 years of experience representing clients in multiple areas of litigation, with a particular focus on construction, commercial and product liability-related matters. She handles a wide range of legal issues as outside general counsel for companies, such as drafting and negotiating contracts and employment agreements; resolving disputes; perfecting lien and bond claims; and litigating breach of contract, personal injury, construction defect, employment discrimination and wrongful termination matters. She also trains client supervisors on a variety of topics designed to minimize risks. Ms. Masters has extensive experience defending complex multiparty mass tort and product liability cases before state and federal courts in multiple states. She has served as national and regional coordinator of product liability defense for a variety of targeted commercial and industrial products and equipment manufacturers.

**Robert Booth** *Partner with Mills Shirley L.L.P., Galveston, TX*  
Mr. Booth is a partner at Mills Shirley LLP providing legal services to individuals, companies and local governments regarding compliance or disputes involving breach of contract, commercial and residential construction, premises liability, professional negligence, employment, real-property, property tax, maritime, residential tenancy, and personal injury. Although Mr. Booth represents clients across the state, he primarily practices in Houston, Galveston and the surrounding counties. Mr. Booth currently serves as a member of the Board of Directors for Texas Association of Defense Counsel, a statewide organization of civil defense trial lawyers. He served two terms as the elected representative for Galveston, Brazoria and Fort Bend county lawyers to the board of the Texas Young Lawyers Association, a division of the State Bar of Texas.

# Additional Learning

## Webinar Series

### Seismic Design and Construction

#### • Seismology and Building Codes

Wed., Dec. 27, 2017, 11:00 AM - 3:30 PM CST

#### • Seismic Design of Building Structures

Thurs., Dec. 28, 2017, 11:00 AM - 3:30 PM CST

### The Distributed Battery Webinar Series

#### • The Distributed Battery Webinar, Part I

Thurs., Dec. 28, 2017, 11:00 AM - 2:15 PM CST

#### • The Distributed Battery Webinar, Part II

Fri., Dec. 29, 2017, 11:00 AM - 2:15 PM CST

For more information visit:  
[www.halfmoonseminars.org/webinars/](http://www.halfmoonseminars.org/webinars/)

### Can't Attend? Order the CD/Manual Package:

An audio recording of this seminar is available for \$289 (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

Austin, TX - Thursday, February 15, 2018

How to Register	
<b>Online:</b> <a href="http://www.halfmoonseminars.org">www.halfmoonseminars.org</a>	
<b>Phone:</b> 715-835-5900	
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<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 - **\$279.00**. Three or more registrants from the same company registering at the same time - **\$259.00** each.

( ) **I am not attending.** Please send me the CD manual package for **\$289.00**. (S&H included. Please allow five weeks from seminar date for delivery)

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# Seminar Information

## Hilton Garden Inn Downtown

500 North Interstate 35  
Austin, TX 78701  
(512) 480-8181

## Tuition

**\$279** for individual registration  
**\$259** for three or more registrations.

*Each registration includes a complimentary continental breakfast and printed seminar manual.*

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

## How to Register

- Visit us online at [www.halfmoonseminars.org](http://www.halfmoonseminars.org)
- Mail-in or fax the attached form to 715-835-6066
- Call customer service 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.

## Continuing Education Credit Information

This seminar is open to the public and offers 7.0 PDHs, including 1.0 ethics hour, to professional engineers and 7.0 HSW continuing education hours (CEPHs) to architects in Texas. Educators and courses are not subject to pre-approval in Texas.

The American Institute of Architects has approved this event for 7.0 HSW Learning Units (Sponsor No. J885). Only full attendance can be reported to the AIA/CES.

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.

This seminar offers a non-credit continuing education opportunity to contractors. It has not been approved by 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.