### Learning Objectives

**You’ll be able to:**

- **Understand** types of construction contracts: lump sum, cost plus, time and materials, and unit pricing.
- **Examine** bid documents, including bid forms, instructions and bid bonds.
- **Review** project documents, including agreements and general contract conditions.
- **Examine** insurance and indemnity issues, chain of command issues and other contract administration issues.
- **Get** tips resolving disputes through mediation, arbitration and litigation.

#### Agenda

**Understanding Construction Contract Essentials**
- P. McNamara, B. Haefele

- 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, 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**
- P. McNamara, B. Haefele

- Invitation
- Bid form
- Instructions
- Addenda

**Reviewing Project Documents**
- P. McNamara, B. Haefele

- Agreement
- Performance 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**
- D. Steinberg, M. Middleton

- Insurance and indemnity issues
- Subcontracts/Flow down provisions
- Changes and change orders
- Performance bond
- Payment bond
- Contract conditions (general and supplementary)
- Specifications (Format, CSI 1995 and 2004)
- Shop drawings
- Contract modifications (change orders, directives, etc.)

**Examining Legal Issues and Contract Disputes**
- T. Boeck

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

**Handling Ethical Issues in Construction Contracting**
- T. Boeck

- 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

### Continuing Education Credits

Architects
- 7.0 HSW Continuing Ed. Hours*
- 7.0 AIA HSW Learning Units

Professional Engineers
- 7.0 PDHs

Contractors
- Non-Credit Continuing Ed.

*does not qualify for California accessibility requirement
Faculty

Patrick McNamara
Shareholder with Porter Law Group, Inc. in Sacramento
Mr. McNamara brings 19 years of experience as an attorney and 29 years of experience in real estate and construction buildings to his practice. His construction experience includes field and office engineering and management with large contractor companies such as Hensel Phelps Construction and Bechtel Asia. Mr. McNamara is also a California licensed real estate broker.
Mr. McNamara’s construction practice includes contract drafting and negotiation and dispute resolution on private and public projects. His clients consist of general contractors, specialty contractors, design/builders, material suppliers, developers, owners, buyers and sellers. Types of disputes include contract breach, contractor and owner termination, project changes and delays, payment, design errors, specifications, construction defects, subcontractor disputes, seller disclosure, and insurance matters. Since 2001, Mr. McNamara has taught the construction law course for the Sacramento State Construction Management program.

Brittany Rupley Haefele
Shareholder with Porter Law Group, Inc. in Sacramento
Mr. Haefele’s practice focuses primarily on litigation, arbitration and mediation in the areas of construction law, surety, real estate, employment and environmental disputes. She also represents clients in business transactions, entity formation/goverance and intellectual property matters. Ms. Haefele is a member of the California Bar and is a member of insurance companies, employers and third party administrators in works’ compensation matters. She serves on the Board of Directors for the Sacramento Chapter of Associated Subcontractors Alliance (Sacramento Regional Builders Exchange). Ms. Haefele also serves on the dispute panel panel for the Superior Court of California, County of El Dorado, and is a member of the American Arbitration Association’s National Arbitration Panel of Northern California and Nevada.

David M. Steinberg
Shareholder with Trainor Fairbrook in Sacramento
Mr. Steinberg is the chair of the firm’s Construction Department. His practice focuses on construction and real property matters, including negotiation and preparation of construction documents and litigation of construction disputes, construction defect issues, mechanic’s liens, lease disputes, rent actions and ADA defense matters. Mr. Steinberg has extensive experience in the representation of developers, land owners, contractors, subcontractors and design professionals who seek guidance on construction projects and the resolution of claims that may arise during or after their project. His extensive construction background, and previous work in the construction industry, have been instrumental in his successful representation of Sacramento’s most prominent developers.

Michael Middleton
Shareholder with Trainor Fairbrook in Sacramento
Mr. Middleton is a senior construction attorney and shareholder in Trainor Fairbrook’s Construction Litigation Department. His background as an attorney embraces a broad practice of representing clients in the areas of construction, business and employment law. Mr. Middleton has over two decades of experience in civil litigation and alternative dispute resolution, and he has successfully participated in a variety of matters, including arbitration and mediations of construction, employment and contract disputes. He has participated in a wide variety of matters in the construction industry, including construction defect actions, the review and resolution of construction claims and construction-related litigation in state and federal courts throughout California.

Tamra L. Boeck
Partner with Steel Bissex LLP in Sacramento
Ms. Boeck presently serves as chair of the firm’s Real Estate and Construction Development Group. She routinely advises owners, developers and general contractors primarily in California, Idaho and Nevada. Ms. Boeck works with clients on a wide range of projects, including commercial, residential and mixed-use projects, as well as construction-related aspects of oil and gas, mining, food processing, solar, wind, geothermal, biulf, wastewater treatment and other industrial facilities. In addition, she represents her clients in ways to avoid protracted litigation through thoughtful negotiations and effective contracts. Ms. Haefele’s practice includes the defense through litigation or arbitration. With her depth of experience, she is able to assist and protect her clients in arbitration or trial when a business dispute arises.

Seminar Information

Sacramento Marriott Rancho Cordova
11211 Point East Drive
Sacramento, CA 95742
(916) 638-1000

Registration
8:00 am - 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

Tuition
$279 for individual registration
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Continuing Education Credit Information
This seminar is open to the public and offers 7.0 HSW continuing education hours to architects 7.0 PDHs to engineers in states with continuing education requirements, excluding Florida architects. This seminar does not qualify for California’s mandated accessibility continuing education requirement.
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Attendance will be monitored, and attendance certificates will be available for the seminar after most individuals for whom sufficient education credit is available. Attendance certificates not available at the seminar will be mailed to participants within fifteen business days.

Sponsor No. 35), North Carolina, and North Dakota. Ms. Boeck works with clients on a wide range of projects, including commercial, residential and mixed-use projects, as well as construction-related aspects of oil and gas, mining, food processing, solar, wind, geothermal, biofuel, wastewater treatment and other industrial facilities. In addition, she represents her clients in ways to avoid protracted litigation through thoughtful negotiations and effective contracts. Ms. Haefele’s practice includes the defense through litigation or arbitration. With her depth of experience, she is able to assist and protect her clients in arbitration or trial when a business dispute arises.

Additional Learning

Webinar Series
Handling Ethical Issues in Professional Engineering Practice
Fri., Mar. 9, 2018, 11:00 AM - 12:00 PM CST

Deep Excavations
• Introduction to Deep Excavations
Thurs., Mar. 15, 2018, 11:00 AM - 1:00 PM CST
• Soil Mechanics, Cantilever Walls and Anchored Sheet Pile Walls
Thurs., Mar. 15, 2018, 1:30 - 3:00 PM CST
• Brake Excavation Design
Fri., Mar. 16, 2018, 11:00 - 12:00 PM CST
• ASD and LBFD Design
Fri., Mar. 16, 2018, 1:00 - 2:30 PM CST

For more information visit www.halfmoonseminars.org/webinars/

Can’t Attend? Order the CD/Manual Package:
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Registration
Construction Contract Workshop
Rancho Cordova, CA - Tuesday, April 24, 2018

How to Register
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