

Agenda

Understanding Construction Contract Essentials

S. Nudelman

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

Examining Legal Issues and Contract Disputes

S. Nudelman

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

Understanding Issues in Contract Administration

T. Bakal

Insurance and indemnity issues
Chain of command issues
Subcontracts
Changes and change orders
Payments
Substantial and final completion
Breach and pitfalls

Comparing Standardized Construction Documents

V. Jackowski

Use of standard forms v. custom contract documents
American Institute of Architects (AIA)
ConsensusDocs
Engineers Joint Contract Documents Committee (EJCDC)
Agreement: How to navigate important contract provisions from architect/engineer's perspective

Reviewing Project Documents

V. Jackowski

Consultant's Agreement
Insurance considerations for a design professional
Contract conditions (general and supplementary)
Specifications (Format, CSI 1995 and 2004)
Shop drawings
Contract modifications (change orders, directives, etc.)

Reviewing Bidding Documents

S. Berkowitz

Invitation	Bid form	Instructions
Bid bond	Information	Addenda

Construction Contract Workshop
Secaucus, NJ - Thursday, January 17, 2019



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Learning Objectives

You'll be able to:

Understand contract terminology and review the roles of owners, design professionals, construction managers, subs and suppliers.

Review standard project documents including agreements, contract conditions, and bonds.

Review bid documents, including bid forms, instructions and bid bonds.

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

Consider issues related to contract disputes.



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Examine contract terminology and discuss types of construction contracts

Review standard forms and various project and bidding documents

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

Get tips on contract modifications and change orders

Consider issues related to contract disputes

Continuing Education Credits

Professional Engineers

7.0 CPC Credits/PDHs

Contractors

Non-Credit Continuing Ed.

Architects

7.0 HSW Continuing Ed. Hours

7.0 AIA HSW Learning Units



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Faculty

Steven Nudelman *Partner, Greenbaum, Rowe, Smith & Davis LLP*

Mr. Nudelman counsels owners, developers, contractors and suppliers in a wide variety of matters involving public as well as private construction projects in New Jersey. He regularly handles matters in state and federal courts, in both New Jersey and New York, as well as construction and commercial arbitrations, mediations and disputes before the International Centre for Dispute Resolution. Mr. Nudelman also defends clients against building code violations, fire code violations and other claims brought by local construction officials in municipal construction boards of appeals in counties and cities throughout New Jersey. Additionally, he assists clients with contract negotiation and drafting, with an emphasis on efficiency and practical results. In addition to his construction and commercial practices, Mr. Nudelman has represented insured owners and lenders prosecuting and defending title insurance claims on behalf of national underwriters. Mr. Nudelman has prosecuted and defended claims involving trespass, easements, adverse possession, limited liability company fraud, boundary disputes, equitable subrogation and title defects.

Todd Bakal *Law Offices of Todd Bakal, White Plains*

Mr. Bakal has helped people with their business and personal legal needs for more than 20 years. During that time, he has focused his practice in the areas of construction, environmental, and general commercial litigation as well as insurance coverage disputes. Outside of the courtroom, Mr. Bakal helps individuals and business owners with real estate, business formation and succession, regulatory work, and trust and estate planning and administration issues. He is a graduate of the University of Michigan, where he double-majored in Philosophy and Computer Science. Mr. Bakal then attended George Washington University Law School. Prior to practicing law, he founded RBI Software, Inc., which specialized in the development of commercial vertical market applications. This led to his involvement in and passion for cutting-edge computer and internet legal issues. Mr. Bakal is a member of the New York State Bar Association, the New Jersey State Bar Association, the Westchester County Bar Association, and the New York City Bar Association (where he has served on the Construction Law and Computer Law Committees), and he is admitted to the New York and New Jersey bars.

Wojciech Jackowski *Principal, Offit Kurman*

Mr. Jackowski's practice focuses on commercial and corporate dispute resolution with an emphasis on achieving rational business solutions or cost-effective judicial resolutions of such disputes. In

Seminar Information

Holiday Inn Secaucus Meadowlands

300 Plaza Drive
Secaucus, NJ 07094
(201) 348-2000

Tuition

\$279 for individual registration
\$259 for three or more registrants from the same company at the same time.

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In addition to appearing in federal and state courts and before arbitration panels and administrative panels domestically, Mr. Jackowski has experience in international aspects of litigation. He has represented entities and individuals in cases involving trade and contract disputes, property loss claims, bankruptcy proceedings, construction issues, commodities and derivatives matters, white-collar crime, personal injury, and claims raising questions under federal labor law. He also advises clients on international facets of litigation and dispute resolution, as well as criminal and civil facets of various international income reporting obligations. Prior to joining Offit Kurman, Mr. Jackowski was a partner in the New York law firm of Menaker & Herrmann LLP, where he gained extensive experience with disputes involving real estate, construction contracts, design and construction defects, and the representation of various real estate industry stakeholders in mediations, arbitrations, trials and appeals. In his practice, he applies his litigation experience in advising clients and provides value added services in structuring business, financial and legal terms for his clients. Mr. Jackowski began his career as prosecutor and later became a senior assistant district attorney with the Brooklyn District Attorney's Office where he was part of the Money Laundering and Revenue Crimes Bureau and the Rackets Division. There he concentrated on the investigation and prosecution of business and securities fraud, money laundering, and corporate and individual income and sales tax evasion. He also supervised investigations relating to identification and civil forfeiture of criminally-obtained assets.

Steve Berkowitz *Berkowitz & Associates, P.C.*

Mr. Berkowitz is listed in Martindale-Hubbell's AV Ratings register of Preeminent Lawyers. The Martindale-Hubbell AV Register is limited to only the most distinguished lawyers. This rating signifies the highest level of legal ability and very high adherences to professional standards of conduct, ethics, reliability and diligence. Mr. Berkowitz is also an arbitrator appointed to the prestigious American Arbitration Association panel of neutrals. He graduated from University of Maryland, College of Engineering, with a bachelor of science degree in Mechanical Engineering. Immediately after graduating, he began working with a Fortune two hundred company, engineering, designing, estimating and selling facility management systems. The clients were, for the most part, contractors, engineers and owners. This gives Mr. Berkowitz a unique perspective when applying legal principles to construction issues.

Additional Learning

Webinar Series

Residential Energy Code

- **Introduction to the Residential Energy Code and Mandatory Requirements**

Thurs., Dec. 6, 2018, 11:00 AM - 12:30 PM CST

- **IECC Residential Building Envelope Requirements**

Thurs., Dec. 6, 2018, 1:00 - 2:30 PM CST

- **IECC Residential HVAC Requirements**

Fri., Dec. 7, 2018, 11:00 AM - 12:30 PM CST

- **International Energy Conservation Permit Pathways**

Fri., Dec. 7, 2018, 1:00 - 2:30 PM CST

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Registration

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How to Register	
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