Agenda

Facilitating the Project with Effective Construction Contracting
J. Hays
P. Estill
Understanding the legal rights/duties of project participants: owners, contractors, design services firms, subcontractors and suppliers
Understanding your project delivery system: design-bid-build, design-build, construction manager, construction manager-at-risk
Using standard or custom contract documents: AIA, ConsensusDocs, others
Understanding key contract concepts and terms: performance, breach, warranties, guarantees, indemnity, damages
Modifying contracts and selecting dispute resolution mechanisms

Protecting the Project with Bonds and Insurance
M. Miller
Obtaining construction bonds
- Performance
- Alternatives to bonds
Obtaining insurance
- Commercial general liability insurance
- Builder’s risk insurance - Errors and omissions insurance
- Additional/alternative insurance
Claims and notice issues

Making Changes and Resolving Disputes During the Construction Process
S. Smith
Making changes to the contract and contracted work
- The contract change clause
- Types of changes: ordered and constructive changes
- Requirements for making changes
- Liability issues
Solving problems during the construction process
- Site conditions - Delays
- Disruption - Acceleration
- Accidents

Understanding Statutory and Contractual Duties of Design Professionals and Contractors in Green Construction
M. George
A. Allen
General scope of duty
Public buildings
Contractual duties under AIA contract documents
Duties on LEED projects

Participating in the Bidding Process
C. McCluskey
Understanding competitive bidding requirements
Reviewing bid package
Prequalification of bidders, bid bonding
Submitting bids
Handling errors and changes

Learning Objectives

You’ll be able to:
Understand key construction contract concepts and terms, and you’ll get tips on making changes to contracts.
Understand competitive bidding requirements, and participate effectively in the bidding process.
Protect the project with performance and payment bonds, and with liability insurance.
Handle problems that arise during construction, such as site conditions, accidents and delays.
Discuss special legal considerations on green or sustainable construction projects.
John W. Hays is a member in the construction industry group at Jackson Kelly PLLC, focusing primarily on construction litigation, contracts, and commercial litigation. Mr. Hays represents owners, design professionals, contractors, construction managers, subcontractors, and suppliers. He is also chair of the firm’s construction and development industry group, helping to grow the firm’s practice in the construction area. His credit in the construction area is from mediation as a mediator in construction, commercial employment, and personal injury disputes and has often served as an arbitrator. He is a specialist in his field, serving as a member of numerous professional associations, a past president to several boards, and a frequent author and lecturer. Mr. Hays has served on the Martindale-Hubbell Board, and was named Lexington Construction Law “Lawyer of the Year” in 2018 and 2016 by The Best Lawyers in America. He has been named in The Kentucky Super Lawyers list since 2009, named in The Best Lawyers in America for Construction Law since 2013, and been a member of The National Academy of Distinguished Neutrals since 2012.

Patrick F. Estill is an associate in the construction and environment industry groups at Jackson Kelly PLLC, focusing primarily on construction law, public-private partnerships, and commercial litigation. As an associate, he has gained a wide range of experience and is growing a strong, multidisciplinary practice. Mr. Estill’s career at Jackson Kelly has allowed him to explore many facets of the law. He uses his experience to better serve clients’ interests and solve legal problems in the most efficient way possible. He particularly enjoys drawing on his litigation experience to draft better contracts and guard against risk for corporate and individual clients.

Mason L. Miller is managing partner at Miller Edwards Rambicure PLLC. Mr. Miller focuses his practice on business law, both transactional and litigation, and he has extensive experience in construction, minerals, and other capital intensive matters. His clients include companies, developers, professional athletes, munici palities, private equity funds, energy companies, regional and national banks, and other large institutions. Mr. Miller has personally represented over a dozen publicly traded companies in a wide variety of industries. Mr. Miller graduated cum laude from the University of Louisville in 1995. He received his law degree from the University of Kentucky College of Law in 1998. Mr. Miller is admitted to practice in both Kentucky and Indiana. He is a member in the construction industry group at Jackson Kelly PLLC, focusing primarily on construction law, public-private partnerships, and commercial litigation. As an associate, he has gained a wide range of experience and is growing a strong, multidisciplinary practice. Mr. Estill’s career at Jackson Kelly has allowed him to explore many facets of the law. He uses his experience to better serve clients’ interests and solve legal problems in the most efficient way possible. He particularly enjoys drawing on his litigation experience to draft better contracts and guard against risk for corporate and individual clients.

Stephen E. Smith is a member of the firm’s construction practice group at Stites & Harbison, PLLC. He represents clients at all stages of construction matters, from transactional to litigation to mediation. Mr. Smith focuses his practice in construction, public acquisition, and corporate law. Prior to joining Stites & Harbison, Mr. Smith was an attorney with a regional litigation firm based in Louisville. His practice focuses on construction clients with experience in both transactional and litigation practice. Prior to joining Stites & Harbison, Mr. Smith was an attorney with a regional litigation firm based in Louisville. Prior to that, he was an attorney with a regional litigation firm based in Nashville, Tennessee. He also serves in an advisory role to non-profit boards dedicated to the Louisville riverfront, which includes Stites & Harbison, Mr. Smith is involved in his church community. Outside of work, he enjoys all types of sports. You may also find him on one of the variety of “CraneWatch” websites checking up on the latest projects in both Louisville and Nashville.

Megan K. George is a member of the Construction Service Group at Stites & Harbison, PLLC. She counsels clients on construction matters and routinely drafts, negotiates and reviews contracts for clients. Before joining the firm, she was a construction litigation attorney with a firm in Lexington, was an assistant attorney general with the Kentucky Attorney General’s Office of Criminal Appeals in Frankfort, (2013-16) and was also a staff attorney for Judge Laurance VanMeter, Kentucky Court of Appeals, (2016-17). She was also a staff attorney for Judge Laurance VanMeter, Kentucky Court of Appeals, (2016-17) and was also a staff attorney for Judge Laurance VanMeter, Kentucky Court of Appeals, (2016-17).

Aaron R. Klein is an attorney with Stites & Harbison, PLLC’s Louisville office and is a member of the Construction Service Group. His practice focuses on advising clients on all types of construction related matters. He provides construction clients with experience in both transactional and litigation practice. Prior to joining Stites & Harbison, Mr. Klein was an attorney with a regional litigation firm based in Louisville. Prior to that, he was an attorney with a regional litigation firm based in Nashville, Tennessee. He also serves in an advisory role to non-profit boards dedicated to the Louisville riverfront, which includes Stites & Harbison, Mr. Smith is involved in his church community. Outside of work, he enjoys all types of sports. You may also find him on one of the variety of “CraneWatch” websites checking up on the latest projects in both Louisville and Nashville.

Craig L. McClung is an attorney with McCloud Law Group, with offices in Lexington and Columbia. McClung Law Group represents a diverse clientele of individuals and businesses in Kentucky. With a proactive approach and commitment to developing creative solutions, the firm assists clients with a wide array of business and employment law matters.

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Registration
8:00 - 8:10 am
Morning Session
8:30 - 11:45 am
Lunch (On your own) 11:45 AM - 12:45 pm
Afternoon Session 12:45 to 4:10 pm

Tuition
$296 for individual registration
$269 for three or more registrants from the same company at the same time

Included with your registration:
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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 self-study package. You may also send another person to take your place.

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This seminar is open to the public and offers 5.5 PDHs to engineers and 6.5 HSW continuing education hours to architects in Kentucky. Educators and courses are not subject to preapproval in Kentucky. This event is approved by the American Institute of Architects Continuing Education System for 6.5 HSW Learning Units (Sponsor No. J885). Only full attendance can be reported to the AIA/CES. Engineers and architects seeking continuing education credit in other states will be able to claim 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 construction contractors. It is not approved by any state licensing entity for contractor continuing education credit.

Attendance will be monitored and attendance certificates will be available after the seminar for most individuals who complete the entire event. Attendance certificates are not available at the seminar will be mailed to participants within fifteen business days.

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