Agenda

Construction Contract Fundamentals  J. Dorsey
- Contract terminology
  - Parties, consideration, term, performance, substantial performance, breach, remedies, damages
- Understanding types of construction contracts:
  - Stipulated sum
  - Cost plus fee
- Design build
- Construction management
- Understanding roles and relationships of project participants:
  - Owners, architects/engineers, construction managers, contractors, subs and suppliers
  - Contract negotiation and drafting
- Exploring the law of construction contract interpretation

The Primary AIA Contract Documents
  - AIA101 - 2017 Standard Form of Agreement Between Owner and Contractor (Stipulated Sum)
  - AIA102 - 2017 Standard Form of Agreement Between Owner and Contractor (Cost Plus Fee with GMP)
  - B101 - 2017 Standard Form of Agreement Between Owner and Architect
  - A133 - 2009 Standard Form of Agreement Between Owner and Construction Manager Where Construction Manager is also Constructor
  - A401 - 2017 Standard Form of Agreement Between Contractor and Subcontractor

AIA A201: General Conditions  J. Spang/ K. Berr
- Overview of new updates to AIA documents
  - General provisions
  - Project participants: owner, contractor, architect, engineer, subcontractors
  - Changes in the work
  - Time, payments and completion
  - Protection of persons and property, insurance and bonds
  - Defects in and correction of work
  - Miscellaneous provisions
  - Termination, suspension, claims and disputes

Supplemental or Alternate AIA Contract Documents  M. Bonavitacola
- A105 - 2017 Standard Form of Agreement Between Owner and Contractor for a Residential or Small Commercial Project
- A107 - 2017 Standard Form of Agreement Between Owner and Contractor for a Project of Limited Scope
- B105 - 2017 Standard Form of Agreement Between Owner and Architect for a Residential or Small Commercial Project
  - The “SP” Series for Sustainable Projects
- AIA Contract Documents for Digital Practice

Learning Objectives

You’ll be able to:

Review the legal rights and duties of various construction entities including contractors, design firms and suppliers.

Utilize standard AIA documents for a variety of different scenarios including agreements between an owner and an architect as well as agreements between contractors and subcontractors.

Understand how to use the A201 General Conditions documents to specify insurance and bonding as well as other construction conditions.

Use AIA contract documents for sustainable projects.
Faculty

John Dorsey  
Davis & Bacon  Conshohocken, PA

Mr. Dorsey is an attorney with nearly 20 years of litigation and transactional experience in Pennsylvania, New Jersey and Massachusetts. His practice focuses on construction, real estate and commercial matters. Mr. Dorsey comes to Davis & Bacon after previously serving as in-house counsel at the Keating Building Company and the Tutor Perini Corporation, where he managed over $1 billion in subcontractor procurement as well as loan-counsel agreement negotiations, public procurement, litigation and corporate matters. He also served as a senior associate at the law firm Richardson Patel where he litigated complex construction and commercial matters in multiple jurisdictions before opening his own firm to focus on the efficient delivery of legal services to construction, real estate and commercial clients. Mr. Dorsey also served as an assistant attorney general for the Commonwealth of Massachusetts litigating public construction and other public contract disputes. Prior to serving as an assistant attorney general, he served as an assistant commissioner for the Boston Inspection Services Department where he prosecuted distressed property cases and developed policies to implement building, housing and zoning code regulations for the City of Boston.

Carter N. Williamson  
Horn Williamson, LLC  Philadelphia, PA

Mr. Williamson is a construction attorney who represents construction industry clients including contractors, subcontractors, suppliers and owners. He litigates, arbitrates and resolves construction matters from routine disputes to multi-party litigation. Mr. Williamson has negotiated construction contracts with owners and subcontractors, which are valued in excess of $500M. On a day-to-day basis, he counsels contractors on daily operational and legal matters, including subcontractor pre-qualification, risk assessment, claims analysis, and mitigation of subcontractor defaults. His practice spans the five-county Philadelphia area; he is admitted to practice in the United States District Court for the Eastern District of Pennsylvania, the Third Circuit Court of Appeals, and New Jersey and State Federal Courts.

Jason C. Spang  
Pepper Hamilton, LLP  Philadelphia, PA

Mr. Spang focuses his practice on construction-related matters. He represents clients in each phase of the construction process, including contract negotiation and formation, project counseling and dispute avoidance, and formal dispute resolution. His practice involves public and private construction and both domestic and international projects. Before receiving his law degree, Mr. Spang held various roles in the construction industry, working for a general contractor, a construction manager and a consulting firm. He holds a professional engineering license in the State of New Jersey and is a U.S. Green Building Council LEED® Accredited Professional.

Kristopher Herr  
Pepper Hamilton, LLP  Philadelphia, PA

Mr. Herr focuses his practice on construction-related matters. He counsels and represents owners, construction managers, EPC contractors, general contractors and subcontractors in all phases of the construction process and on a wide range of projects including process plants, mass transit systems, highways, transmission lines, locks and dams, and other commercial and government construction projects. He represents clients in state and federal court litigation and alternative dispute resolution proceedings. Mr. Herr assists clients with risk assessments, contract review and negotiation, and provides counsel on project management issues. A substantial portion of Mr. Herr’s practice involves the drafting and negotiation of design and construction contracts, and he represents clients involved in non-litigation and non-arbitration matters across the construction industry and provides non-litigation assistance in contract negotiations, risk management, information services and other special projects. Mr. Herr has extensive experience representing architects, engineers and other professionals in professional liability suits and has been in construction litigation since 2012. A native of Bloomington, Illinois, Mr. Herr is admitted to practice law in Pennsylvania, New Jersey and the Eastern District of Pennsylvania.

Mr. Bonavitacola is an associate at Davis & Bacon, PC, a boutique commercial litigation firm in Conshohocken, Pennsylvania. He represents clients in a broad variety of commercial litigation matters across the construction industry and provides non-litigation assistance in contract negotiations, risk management, information services and other special projects. Mr. Bonavitacola has extensive experience representing architects, engineers and other professionals in professional liability suits and has been in construction litigation since 2012. A native of Bloomington, Illinois, Mr. Bonavitacola is admitted to practice law in Pennsylvania, New Jersey and the Eastern District of Pennsylvania.

AIA Contract Document Workshop  
Camp Hill, PA - Friday, July 19, 2019

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(717) 763-7117

Registration  
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This seminar is open to the public and offers 6.5 PDHs to professional engineers in most states and 6.5 non-credit continuing education hours to Pennsylvania architects. Educators and courses for architects are not subject to pre-approval in Pennsylvania.

This seminar is approved by the American Institute of Architects for 6.5 Learning Units (credits No. 01881). The AIA does not consider the content of this course to be HSW. Only full educators and course for Pennsylvania engineers are not considered for state continuing education credit. The AIA does not consider the content of this course to be HSW. Therefore, no state continuing education approval.

This program offers a non-credit continuing education opportunity to construction contractors, it has not been submitted to any state contractor licensing entity for continuing education approval.

Attendance will be monitored, and attendance certificates will be provided after the seminar for each individual who completes the entire event. Attendance certificates will not be available at the seminar. Each seminar will be mailed to participants within fifteen business days.

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