

Agenda

Construction Contract Fundamentals

J. Keller

- 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

J. Keller

- A101-2017 Standard Form of Agreement Between Owner and Contractor (Stipulated Sum)
- A102-2017 Standard Form of Agreement Between Owner and Contractor (Cost Plus Fee with/without 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
- A141 - 2014 Standard Form of Agreement Between Owner and Design Builder
- A401 - 2017 Standard Form of Agreement Between Contractor and Subcontractor
- C401 - 2017 Standard Form of Agreement Between Architect and Consultant

AIA A201: General Conditions

G. Snodgrass,
N. Meriage

- 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

C. Walker

- A105-2017 Standard Form of Agreement Between Owner and Contractor for a Residential or Small Commercial Project
- The differences between A107 and A104
- 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

Case Study: Reviewing Completed Contract Documents for a Sample Project

C. Walker

AIA Contract Document Workshop
St. Louis, MO - Tuesday, April 23, 2019



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Learning Objectives

You'll be able to:

- Explore** the roles and relationships of project participants.
- Understand** the law of construction contract interpretation.
- Discuss** new updates to primary AIA documents.
- Review** AIA A201: the general conditions document.
- Learn** about AIA documents for residential, small commercial and sustainable projects.
- Review** a case study with completed documents for a sample project.



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Identify construction contract fundamentals

Understand the primary AIA documents

Examine supplemental and alternative AIA contract documents

Learn contract terminology

Explore AIA A201: General Conditions

Review completed contract documents for a sample project

Continuing Education Credits

Professional Engineers

7.0 PDHs

Architects

7.0 HSW CEUs/CE Hours

7.0 AIA HSW Learning Units

Contractors

Non-Credit Continuing Ed.



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Faculty

James R. Keller *Counsel at Sandberg Phoenix & von Gontard P.C.*

Mr. Keller is counsel at Sandberg Phoenix & von Gontard P.C., where he concentrates his practice on construction, complex litigation, real estate and alternative dispute resolution (ADR). He has a law degree from Washington University School of Law (1980) and a Journalism degree (Kappa Tau Alpha and Phi Kappa Phi) from the University of Missouri (1977). Mr. Keller has tried more than 100 civil cases in court and arbitration and has served as an arbitrator, mediator and neutral in more than 250 cases. The author of more than 100 articles and the speaker at more than 100 seminars, he is listed as a Super Lawyer in construction litigation in Missouri and Kansas.

Gary Snodgrass *Principal with Pitzer Snodgrass, P.C.*

Mr. Snodgrass practices law in several areas of professional liability, including design professional liability, legal malpractice, healthcare provider liability and nursing home liability. He has handled numerous trucking and transportation, construction, premises liability, dram shop liability, and product liability cases in the last 36 years. Mr. Snodgrass has been a principal at the law firm Pitzer Snodgrass, P.C., since 1991. He was admitted to the Bar in Missouri in 1978 and the Bar in Illinois in 1979. He is also admitted to practice in the United States District Court for the Eastern District of Missouri and the United States Court of Appeals for the Seventh and Eighth Circuits. Mr. Snodgrass co-authored "Architects and Engineers' Liability" for the *Missouri Tort Law CLE Desk Book* series and "Waiver of Subrogation and Allocation of Risk in Construction Contracts" for *The Defense Counsel Journal*. He is also a frequent lecturer at continuing legal education seminars and trial practice seminars sponsored by the Bar and other professional organizations. He also served twice as a faculty member in 1998 and 2003 for the Trial Academy sponsored by the International Association of Defense Counsel in Boulder, Colorado. His Martindale-Hubbell rating is AV.

Nicholas P. Meriage *Attorney with Pitzer Snodgrass, P.C.*

Mr. Meriage is an attorney at Pitzer Snodgrass, P.C. in St. Louis, MO. His civil litigation practice is mainly comprised of professional liability defense. He represents design professionals in Missouri and

Illinois. Mr. Meriage is responsible for handling all phases of a case, from initial pleadings, depositions and discovery to preparing jury instructions and preparing for trial. He enjoys the problem solving aspect of the job, as every case, no matter how big or small, involves new and unique problems to conquer. Prior to focusing on the representation of design professionals during litigation, his practice included drafting revisions to AIA contracts on behalf of architects. He is a graduate of the University of Missouri-Columbia School of Law where he was awarded the Allen H. Parker Memorial Scholarship, the MU Grant, the JB Reynolds Student Award in Insurance Law, and CALI awards in insurance law, land use controls, and agricultural law. Along with his juris doctor degree, Mr. Meriage received a certificate in Dispute Resolution. He utilizes the tools developed in obtaining the certificate to negotiate complicated problems for his clients, including successful settlements at mediation. He also has a degree in Business Administration from the University of Missouri-Columbia. Prior to law school, he owned a small video production company. His business background has taught him how important it is to provide prompt, personalized customer service, something he prides himself in doing for every client. He is currently a Board Member of the Missouri Captive Insurance Association.

Cheryl D.S. Walker *Attorney with Riley Safer Holmes & Cancila, LLP*

Ms. Walker is a lawyer with more than 25 years of experience and practices with Riley Safer Holmes & Cancila, LLP. In her construction practice, Ms. Walker changes and/or preserves landscapes by working tirelessly with project owners, developers, construction managers, contractors and other purchasers and providers of design, engineering and construction services to construct, renovate and/or enhance built environments by drafting and negotiating a variety of agreements for construction transactions, including architectural, design/build and other construction delivery contracts. Ms. Walker drafts and negotiates a wide range of commercial contracts that assist clients in achieving operational objectives, including purchase and supply agreements, consignment and bailment arrangements, and logistics contracts. She has documented procurement transactions for various categories of personal property from conventional (e.g., equipment, technology hardware and software, inventory) to unconventional (e.g., metric tons of metal, trees for a national monument site, precious jewels, and a Ferris wheel).

Seminar Information

Holiday Inn Forest Park

5915 Wilson Avenue
St. Louis, MO 63110
(314) 645-0700

Registration
8:00 - 8:30 am
Morning Session
8:30 am - 12:00 pm
Lunch (On your own)
12:00 - 1:00 pm
Afternoon Session
1:00 - 5:00 pm

Tuition

\$289 for individual registration
\$269 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.

How to Register

- Visit us online at 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 self-study 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 to engineers in all states and 7.0 HSW CEUs/continuing education hours to architects in all states. Educators and courses are not subject to preapproval in Missouri.

This seminar is approved by the American Institute of Architects for 7.0 HSW Learning Units (Provider No. J885). Only full attendance can be reported to the AIA/CES.

HalfMoon Education is an approved continuing education sponsor for engineers in Florida, Indiana (License No. CE21700059), Maryland, New Jersey (Approval No. 24GP00000700), New York (NYSED Sponsor No. 35), North Carolina, and North Dakota. HalfMoon Education is deemed an approved continuing education sponsor for New York architects.

This course offers a non-credit continuing education opportunity to construction contractors. It has not been approved by any state contractor licensing entity for mandatory 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 not available at the seminar will be mailed to participants within fifteen business days.

Additional Learning

Webinar Series

Structural Forensic Engineering

• Introduction to Forensic Engineering Process

Wed., March 27, 2019, 11:00 AM - 1:00 PM CDT

• Causes of Failures and the Forensic Engineering Report

Wed., March 27, 2019, 1:30 - 3:30 PM CDT

• Forensic Examination of Structures and Use in Litigation

Thurs., March 28, 2019, 11:00 AM - 1:00 PM CDT

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

Can't Attend? Order the Manual and Audio from the Live Seminar as a Self-Study Package!

An audio recording of this seminar is available for \$289. Allow four 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

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How to Register		Registrant Information
Online: www.halfmoonseminars.org		Name: _____ Company/Firm: _____ Address: _____ City: _____ State: _____ Zip: _____ Occupation: _____ Email: _____ Phone: _____
Phone: 715-835-5900		Additional Registrants: Name: _____ Occupation: _____ Email: _____ Phone: _____
Fax: 715-835-6066	Code:	Name: _____ Occupation: _____ Email: _____ Phone: _____
Mail: HalfMoon Education Inc., PO Box 278, Altoona, WI 54720-0278		Name: _____ Occupation: _____ Email: _____ Phone: _____
Complete the entire form. Attach duplicates if necessary.		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 - \$289.00 . Three or more registrants from the same company registering at the same time - \$269.00 each.
() I am not attending. Please send me the self-study package: <input type="checkbox"/> Downloadable MP3 Audio/PDF Manual for \$269.00 . <input type="checkbox"/> CD/Manual Package for \$289.00 . (Please allow four weeks from seminar date for delivery)
Checks: Make payable to HalfMoon Education Inc.
Credit Card: <i>Mastercard, Visa, American Express, or Discover</i>
Credit Card Number: _____
Expiration Date: _____ CVV2 Code: _____
Cardholder Name: _____
Billing Address: _____
City: _____ State: _____ Zip: _____
Signature: _____
Email: _____