

Construction Project Scheduling & Delay Claims



MARCH 2, 2018

CROWNE PLAZA
DOWNTOWN

Seattle, WA

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ACCREDITATION

WA MCLE 6.0 Law & Legal Credit

OR CLE 6.0 General Credits

CA CLE 6.25 General Credits

AIA 6.25 LU's

IRMI 7.0 CRIS Reaccreditation Credits

Contractors & Engineers May Qualify

Seminar Overview

The Seminar Group has assembled a diverse group of top Construction Law Professionals who practice in and understand the issues of complex public and private construction in the Pacific Northwest region and nationally. This seminar will cover CPM concepts and principles essential for understanding and presenting project delay analyses, as well as advanced technical and legal concepts and strategies for addressing schedule delay, disruption, and acceleration claims. The panel of expert speakers will address the most challenging issues that arise in managing project schedules and delays and will present cutting-edge techniques for documenting, analyzing, and presenting project schedule delay events, providing guidance on how to avoid, negotiate, and resolve these disputes.

Who Should Attend:

- Architects
- Attorneys
- Contractors
- Engineers
- Municipal Employees
- Government Employees

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Friday, March 02, 2018

9:00 Introduction and Overview

PST

Tymon Berger, Program Co-Chair
Attorney at Law

Aleanna Kondelis, Program Co-Chair
Construction Contracts Mgr.
City of Seattle

9:10 Basic Scheduling Concepts for Delay, Acceleration, and Mitigation

Activities & relationships; starts, finishes, durations, forward and backward passes, and float; how the critical path is determined; identifying and calculating delay and determining causation; quick and simple demonstration of how time-impact analyses are effected in a CPM schedule; delay versus acceleration versus disruption (impact and lost productivity); mitigation; disruption; impact and lost productivity; frustrated early completion; 8 common schedule analysis techniques - the procedures and assumptions built into each technique

Brendan J. Peters, AIA
Perkins Coie LLP

Richard T. Shiroyama, PE, Project Controls Mgr.
Hainline

10:00 Analyzing and Computing Damages

Analysis methodologies; analysis tools; quantifying delay, impact, disruption, inefficiencies, and lost productivity damages; unabsorbed and under-absorbed overhead (*Eichleay*); typical defenses and counterclaims

Jeffrey L. Ottesen, PE, PSP, CFCC
Project Controls & Forensics LLC

10:45 Break

11:00 Establishing Lost Productivity and Cumulative Impact Claims

Techniques for establishing, documenting, and quantifying lost productivity; cumulative impact, ripple effect, and other disruption claims; using modified total productivity loss, measured mile, earned hours, and industry studies; Cardinal change; establishing causation; preserving contractual right to assert productivity-impact claims

James Stoner, PE, CMVP, VMA
President & COO
Hainline

Megan S. Wells, Director
Global Construction Practice
Navigant Consulting, Inc.

11:45 Midday Break

1:00 Primary Legal Concepts for Delay Claims

Contract terms; notice provisions; The Spearin Doctrine; inexcusable, excusable, and compensable delays; concurrent and apportioned delays; pacing; directed and constructive acceleration; no damage for delay clauses and statutes; claim preservation and presentation provisions; legal burdens and standards of proof; consequential and liquidated damages

Tymon Berger
Attorney at Law

1:45 What Do You Do When...?

Recognizing the beginnings of a delay; tracking and documenting the delay; what contractors and owners can do (better); contractor strategies in articulating, substantiating, and resolving delay claims; owner strategies in understanding, evaluating, and resolving delay claims

Brett M. Hill
Ahlers Cressman & Sleight PLLC

Jason M. Kettrick
Carney Badley Spellman PS

2:45 Break

3:00 Real Life Issues in Project Delays and Claims – Panel Discussion

- City of Seattle's Streetcar Project
- Other Case Studies...

Steven M. Goldblatt, Moderator
Resolve Disputes

Loren G. Armstrong, Sr. Port Counsel
Port of Seattle

Robert Bourg, Claims & Disputes Manager
Engineering & Architectural Services
WA State Dept. of Enterprise Services

Bob Dillon, Senior Construction Mgr.
Capital Projects Office, University of Washington

Aleanna Kondelis
Construction Contracts Mgr.
City of Seattle

4:15 Dispute Resolution and Arbitration of Schedule & Delay Claims

Resolving schedule & delay claims in mediation, arbitration, and before DRBs; what actually works when trying to persuade the facilitator or decision maker; dos and don'ts in presenting claims; what a mediator, arbitrator, or DRB is looking for in assessing claims

Richard H. Skalbani
Ashbaugh Beal LLP

5:00 Adjourn

Faculty



Tymon Berger, Program Co-Chair, is an [attorney at law](#). His construction experience spans 24 years. He became a lawyer after ten years as a carpenter and CM, and now advises contractors regarding: contract review and negotiation; bid protests; bond and lien claims; surety disputes; and claims for defective design, delay, productivity impacts, scope disputes, and extra work.



Aleanna Kondelis, Program Co-Chair, is the [City Construction Contracts Manager](#) with the City of Seattle. She is responsible for public works project delivery from contract creation to completed construction. She ensures the planning and delivery of roads, utilities (water, sewer, storm, and power), parks and community facilities, as well as maintenance needs for City assets.



Loren G. Armstrong is [Senior Port Counsel](#) for the Port of Seattle. He had been a Senior Legal Counsel with Sound Transit from 2006-2017, where he focused on all aspects of public procurement, public contracting, and construction law. He previously worked in several structural engineering firms where his practice focused on the design of low- to mid-rise structural steel and concrete.

Robert Bourg is a Claims and Disputes Manager for the [Washington State Department of Enterprise Services' Engineering & Architectural Services](#) (E&AS) division. E&AS offers expertise on a wide range of facility issues and public works project management on behalf of public organizations in WA, including the Capital Project Management Program; the Reimbursable Capital Project Management Program; and the Energy Program.



Bob Dillon, is a Senior Construction Manager for the Major Projects Group (MPG) of the [University of Washington's Capital Projects Office](#). The MPG is responsible for projects at all three UW campuses and Harborview having total project costs of \$10 million or greater.



Steven M. Goldblatt is principal of [Resolve Disputes](#). He has served on 108 public projects as dispute review board chair, dispute review board member, or project neutral. He is associate professor emeritus at the University of Washington—where his teaching and research focused on design and construction law—and a 40-year member of the California Bar.



Brett M. Hill, a partner at [Ahlers Cressman & Sleight PLLC](#), concentrates his practice on representation of the construction industry in a variety of matters. He has over a decade of construction litigation experience where he has handled high profile construction disputes for ENR 400 contractors, but he also regularly handles litigation matters for closely held regional companies.



Jason M. Kettrick is chair of [Carney Badley Spellman PS](#)'s energy law practice group, co-chair of the firm's construction law section, and a member of the business law section. He is general counsel to many local, regional, national and international companies, with a focus on firms involved in engineering, construction, development and financial industries.



Jeffrey L. Ottesen, PE, PSP, CFCC, is the owner of [Project Controls & Forensics LLC](#). He has more than 23 years of professional experience in civil engineering, planning, CPM scheduling, construction management and dispute resolution services. In the last 15 years, he has been involved extensively in dispute resolution and EPC contractor management process improvements.



Brendan J. Peters, AIA, is a partner with [Perkins Coie LLP](#). He focuses on construction litigation, construction transactions, and complex commercial litigation. He has over 15 years of combined experience in the legal and construction fields. Before becoming an attorney, he was an architect involved with all phases of the design and construction of complex commercial, civic, and residential projects.



Richard T. Shiroyama, PE, is a [Project Control Manager with Hainline](#). He provides a wide range of construction consulting services for clients including: construction scheduling, schedule delay analysis, claim preparation, claim analysis, and project management. He has over 20 years of experience in the construction industry providing scheduling, claims, and management duties on projects.



Richard H. Skalbania is a partner at [Ashbaugh Beal LLP](#). During his 30-year career, he has successfully represented clients in some of the most high-profile construction disputes in the Pacific Northwest including Seahawks Stadium, Safeco Field, Key Arena, the downtown Seattle Library, the Rainier Valley Sound Transit Light Rail and the SR 99 Bored Tunnel.



James Stoner PE, CMVP, VMA, is the [President and COO of Hainline](#). He has over twenty years of experience in the design and construction industry. His specialized areas in MEP construction consulting include design-build and plan-spec construction. His expertise within these areas includes schematic and construction document budgeting, constructability review and value engineering.



Megan S. Wells is a [Director of Global Construction Practice at Navigant Consulting Inc.](#) She is also Director of the Seattle Office Construction Practice, where she oversees all construction projects initiated out of the that office. She has over 20 years of consulting experience, including the analysis of costs and damages incurred on numerous construction projects and government contracts throughout the U.S.

Credits

WA MCLE

This course has been approved for 6.0 hours of law and legal CLE credit by the Washington MCLE board (Live Credits for In Person Attendance & Webcast). Self-Study credit will be available, specific credit amount to be determined.

The Seminar Group is an accredited sponsor with the Washington State Bar

OR CLE

This course has been approved by the Oregon State Bar for 6.0 general CLE credits (Live Credits for In Person Attendance & Webcast).

CA CLE

The Seminar Group is a State Bar of California approved MCLE provider; therefore, this course is approved for 6.25 general CLE credits (Live Credits for In Person Attendance & Webcast).

AIA

This course has been approved by The American Institute of Architects for 6.25 LU's. (Live Credits for In Person Attendance ONLY). The Seminar Group is an AIA CES Approved Provider.

IRMI

This course has been approved by the IRMI for 7.0 hours of CRIS reaccreditation credits (Live Credits for In Person Attendance ONLY).

Contractors & Engineers

Contractors and engineers may qualify for continuing education hours through the American Institute of Constructors or the Construction Management Association of America.

Location

Crowne Plaza Seattle Downtown

1113 Sixth Avenue
Seattle, WA98101

Phone: 206-464-1980

The seminar is located in the Yellowstone Room. Please call the venue for directions/questions.

Fees

Live Seminar:

Attorney	\$529.00
Government / Tribal / Non-Profit	\$429.00
Other Professionals	\$429.00
Student / Professor	\$329.00

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www.TheSeminarGroup.net or call our office at 800-574-4852 or 206-463-4400. You can also contact us at info@theseminar.com or by mail to The Seminar Group, P.O. Box 523, Vashon, WA 90870.

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