

LEGAL AND PROFESSIONAL EDUCATION
THE SEMINAR GROUP

7th Annual

Important Topics in Construction & Government Contracting

OCTOBER 9 & 10,
2018
THE AMERICAN
HOTEL A DOUBLTREE
BY HILTON
Atlanta, GA

ACCREDITATION

GA CLE 12.8 Hours

VA CLE 10.5 Credits

IL MCLE 12.75 Credits

AIA 13.0 LU's

IRMI 7.0 CRIS Reaccreditation Credits

Contractors & Engineers May Qualify

Seminar Overview

The Seminar Group once again is presenting a timely and relevant seminar regarding important topics in construction law and Federal government contracting. Attendees will have a unique opportunity to hear from attorneys and other professionals in the construction industry regarding the prosecution and defense of construction related claims and bidding upon and successfully performing government contract work. Very recent changes to commercial construction contracts (The American Institute of Architects "AIA") and an overview and comparison of other industry forms in the marketplace (ConsensusDocs) will also be discussed.

Attendees will also have an opportunity to learn valuable tips and strategies regarding lien, bond, and Little Miller Act claims; successfully preparing for and prosecuting delay and design claims; UCC-1 and bankruptcy issues impacting construction projects; general employment, Fair Labor Standard Act (FLSA), and prevailing wage concerns for employers; zoning and insurance issues; P3 projects and financing; and a host of government contracting issues including small business, teaming, and Joint Ventures will also be covered.

Who Should Attend:

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

9:00 Introduction and Overview – Day One

Joseph J. Dinardo, Program Co-Chair
Smith Currie & Hancock LLP

9:05 Lien and Bond Claims

“Front-End” planning tips; common mistakes with “Notice of Commencement” forms; anatomy of a lien claim; challenging fraudulent claims; dealing with sureties

Joseph J. Dinardo
Smith Currie & Hancock LLP

9:45 Recent Changes to the AIA Documents

Overview of significant changes to the 2017 AIA Documents (the “A”, “B”, “C”, & “E” Series); what you need to know

Timothy N. Toler
The Toler Firm LLC

10:30 Break

10:45 Bankruptcy Considerations for the Construction Industry

Chapter 7 vs. 11; supplier/contractor/developer bankruptcy; effect on bonds/sureties/liens; competing claims of creditors; effect on contracts; automatic stay; critical vendors; preferences; plans of reorganization

J. Hayden Kepner, Jr.
Scroggins & Williamson PC

11:30 Employment Issues Impacting the Construction Industry – Field and Office

OSHA safety issues; terminating “bad apples” and avoiding liability; defending against an EEOC claim; tips for drafting separation/non-compete/confidentiality agreements

Stephen M. Reams
Smith Currie & Hancock LLP

12:15 Lunch ~ Sponsored by:

SMITHCURRIE

1:15 Prompt Payment and Retainage Under the Miller Act/Little Miller Act

Prompt Pay Act (PPA) amendments; requirements and protections; retainage and withholding; claims; payment bond coverage for Federal projects; state projects & comparisons

Mark V. Hanrahan
Taylor English Duma LLP

2:00 Disputes in Government Contracting

“Claims” vs. requests for equitable adjustment; giving notice; pass-through agreements; claims against contractors; claim & appeal process; ADR; recovering attorneys fees

C. Damon Gunnels
Hudson Parrott Walker LLC

2:45 Break

3:00 Boot Camp for Bidding on Federal Jobs and Associated Pitfalls

Hard bidding vs. best value; common terms; defining roles and responsibilities; public bidding thresholds; selecting a contractor; bid mistakes; PPA and retainage agreements

Tyler P. Scarbrough
Jones Walker LLP

3:40 Small Business, Teaming, and Joint Ventures – Strategies for Success

Small business programs, eligibility & certification; performance of work requirements; goals, set-asides & risks; joint venture & teaming; mentor protégé programs

Jennifer Wheatley Fletcher
Eversheds Sutherland LLP

4:20 Key Concepts and Issues in Drafting and Negotiating Construction Agreements

Vianney Lopez
Morris Manning & Martin LLP

5:00 Adjourn & Reception ~ Sponsored by:

SMITHCURRIE

9:00 Introduction and Overview – Day Two

Deborah Cazan, Program Co-Chair
Alston & Bird LLP

9:05 Mediating & Arbitrating Claims

Selecting a mediator/arbitrator; AAA/ICC/JAMS rules; drafting dispute resolution provisions; attorney's fees & costs; joining third parties; confirming or objecting to awards

Deborah Cazan
Alston & Bird LLP

Michael J. Mortorano
Alston & Bird LLP

9:45 Prevailing on Prevailing Wage Projects: An Overview of the Davis Bacon Act

Requirements for contractors/subs; frequently asked questions regarding compliance & failure to comply; rights of the contractor/sub who disagrees with applicable rates

Philip J. Siegel
Hendrick Phillips Salzman & Siegel PC

10:30 Break

10:45 If You Can't Zone It – You Can't Build It!

Hot topics and trends in zoning for 2018; recent rulings: Fulton, Cobb, Gwinnett, DeKalb Counties; who makes zoning decisions? Fighting city hall; cutting through red tape

Stephen Rothman
Wilson Brock & Irby LLC

11:30 The Use of ConsensusDocs in the Construction Industry

What are ConsensusDocs and who can use them? Comparison to the AIA forms; advantages and costs

Brian M. Perlberg, Executive Director & Counsel
ConsensusDocs & AGC of America

12:15 Lunch ~ Sponsored by:

ALSTON & BIRD

1:15 Successfully Prosecuting a Construction Delay Claim

Why is delay analysis common? Important steps to developing a delay analysis; summarizing the baseline schedule; identifying and tracking the as-built critical path

Jon Grove, Sr. Managing Consultant
Berkeley Research Group LLC

2:00 Defective Design Can Restrain Construction

Owner liability; A/E & vicarious liability; interwoven standards of care – minimum professional standards; defective construction administration

David L. Zion, Director
Berkeley Research Group LLC

2:45 Break

3:00 Understanding the Basics of P3's

A brief history of P3's; contractual structure; benefit and risk allocation; case studies (Presidio Parkway Project); projects in GA, FL, CA, and overseas

Carlos A. Encinas
Nelson Mullins Riley & Scarborough LLP

Marcus J. Lemon
Nelson Mullins Riley & Scarborough LLP; Washington, DC

3:40 P3 Financing

The P3 financing package; loans/credit assistance; bond/debt financing; direct fees/concessionaire incentives; infrastructure P3 projects

Nathan "Nat" Abramowitz
Duane Morris LLP; New York, NY

Amelia H. "Amy" Huskins
Duane Morris LLP

4:20 Insurance and Construction Risk Management

Contractual risk management; understanding BR, GCL, PL & WRAP policies; additional insureds; insuring JV's; insuring P3 projects; drafting indemnity obligations

Kent W. Collier, CRIS, LEED AP BD+C
Greyling Insurance Brokerage & Risk Consulting

5:00 Adjourn

Faculty - Construction and Government Contracting



Deborah Cazan, Program Co-Chair, a partner with Alston & Bird LLP, is an experienced construction law attorney. She advises and represents owners, developers, investors and contractors through every stage of a project from its inception and initial planning to helping with distressed assets and workouts.



Jon Grove is a senior managing consultant at Berkeley Research Group LLC. He has deep expertise in navigating high-stakes challenges, risks, and opportunities related to large projects and contracts. He has over 19 years of project management, cost estimating and fieldwork coordination.



Joseph J. Dinardo, Program Co-Chair, is a Partner at Smith Currie & Hancock LLP. His practice focuses on construction disputes, lien prosecution and defense, contracts, commercial litigation, labor law, and collections. He has developed a niche practice enforcing judgments and recovering money.



C. Damon Gunnels is a partner at Hudson Parrott Walker LLC. He is experienced in representing virtually all stakeholders associated with construction projects including facility owners, construction managers, architects, engineers, general contractors, subcontractors and performance and payment bond sureties.



Nathan "Nat" Abramowitz, a partner with the New York office of Duane Morris LLP, is a member of the Project Development/Infrastructure/P3 Practice Group. He represents clients in project finance transactions, municipal finance and public-private partnerships (P3) transactions.



Mark V. Hanrahan is a partner with Taylor English Duma LLP and a member of the firm's construction practice group. He has focused on construction law since 1996. Over that time, he has acquired extensive experience handling construction-related transactions and disputes.



Kent W. Collier, CRIS, LEED AP BD+C, is a Client Executive & Professional Services Risk Consultant at Greyling Insurance Brokerage & Risk Consulting. He provides day-to-day service regarding insurance and risk issues in the architecture, engineering, construction, environmental, and legal service fields.



Amelia H. "Amy" Huskins is a partner at Duane Morris LLP and a member of the Project Development/Infrastructure/P3 Practice Group. She practices in the areas of finance, commercial real estate, creditors' rights and many facets of financial institution representation.



Carlos A. Encinas is Of Counsel at Nelson Mullins Riley & Scarborough LLP. He represents financial institutions, government entities, and investment funds in a range of public finance, infrastructure, and corporate transactions, including, public-private partnerships (P3).



J. Hayden Kepner, Jr. is a member of Scroggins & Williamson PC. He has represented debtors, committees, lenders, major creditors, trustees, purchasers, individuals, and other parties in interest in complex financial restructurings and bankruptcy cases throughout the U.S. and internationally.



Jennifer Wheatley Fletcher is a partner at Eversheds Sutherland LLP. Over the years, she has resolved complex matters throughout the country, representing construction managers, developers, general contractors, owners, municipalities and specialty contractors.



Marcus J. Lemon is a partner in Nelson Mullins Riley & Scarborough LLP's Washington DC office. With over 22 years of project finance experience, he is one of the few practitioners in the U.S. P3 market with experience in transactional, Federal regulatory, and public policy aspects of infrastructure and P3s.



Vianney Lopez is an attorney in the Construction and Environmental Practice Groups of Morris Manning & Martin LLP. She handles a wide range of transactional, regulatory, and litigation matters. She represents clients in the negotiation of design, engineering, contracting and construction contracts.



Philip J. Siegel is a shareholder with Hendrick Phillips Salzman & Siegel PC. His practice focuses primarily in the areas of labor/ employment law, including defense of OSHA citations, immigration compliance assistance, Davis-Bacon Act consulting, contract consulting, and construction litigation.



Michael J. Mortorano is a senior associate in the Atlanta office of Alston & Bird LLP. He represents construction industry clients, public and private companies, and government contractors in litigation in state and federal trial and appellate courts and in AAA and ICC arbitrations.



Timothy N. Toler is the founder of The Toler Firm LLC. He has been litigating and arbitrating construction and business disputes for 35 years. He represents owners, architects, engineers, contractors, and heavy equipment suppliers. He is a Fellow in the Construction Lawyers Society of America.



Brian M. Perlberg is the Executive Director & Senior Counsel for ConsensusDocs, a coalition of 40 leading construction organizations. He also serves as AGC's in-house attorney for all construction law and contract matters. He regularly speaks at national conferences such as AGC, ABA and DBIA CMAA.



David L. Zion is a Director at Berkeley Research Group LLC and has more than thirty-five years of experience in the design and construction industry. He has provided dispute consulting services and construction management services for projects located in the U.S., Caribbean, Canada and Asia.



Stephen M. Reams is a partner at Smith Currie & Hancock LLP. His practice focuses in the areas of construction litigation, risk management and transactional services, including drafting and negotiating contracts for multiple project delivery methods in the construction and development industry.



Stephen Rothman is a partner with Wilson Brock & Irby LLC. His primary practice areas are zoning, land use, local government law and land use litigation. He previously worked with the City of Atlanta Bureau of Planning and Bureau of Buildings, with responsibilities in zoning administration and enforcement.



Tyler P. Scarbrough is a partner in Jones Walker LLP's Construction practice team and heads the firm's Atlanta office. He exclusively focuses his practice on construction and infrastructure projects, construction litigation, alternative dispute resolution, and government contracting.

Construction and Government Contracting

Credits

GA CLE

This course has been approved by the Commission on Continuing Lawyer Competency of the State Bar of Georgia for mandatory continuing legal education credit in the amount of 12.8 hours.

VA CLE

This course has been approved for 10.5 credit hours by the Virginia Mandatory Continuing Legal Education Board. Credits for recorded courses not available.

IL MCLE

This program has been approved by the Illinois MCLE Board for 12.75 general credit hours. Credits for recorded courses not available.

AIA

This course has been approved by The American Institute of Architects for 13.0 LUs. Day one is approved for 6.5 LUs and day two is approved for 6.5 LUs. Credits for recorded courses not available. 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. Credits for recorded courses not available.

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

The American Hotel Atlanta Downtown a DoubleTree by Hilton

160 Ted Turner Dr NW
Atlanta, GA 30303

Phone: (404) 688-8600

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

Fees

Live Seminar:

Attorney	\$729.00
Government / Tribal / Non-Profit	\$629.00
Other Professionals	\$629.00
Student / Professor	\$429.00
Day One	\$455.63
Day Two	\$455.63

On Demand:

All Sessions	\$729.00
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Pre Order MP3 Download:

All Sessions	\$729.00
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DVD Homestudy:

All Sessions	\$779.00
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CD Homestudy:

All Sessions	\$779.00
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Materials Download:

All Sessions	\$229.00
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Printed Materials:

All Sessions	\$259.00
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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@theseminalgrou.net or by
mail to The Seminar Group, P.O. Box 523,
Vashon, WA 90870.

CANCELLATION POLICY: We will refund your tuition, less a \$50 cancellation charge, if we receive your cancellation by 10/3/18. No refunds will be given after this date. Please note that if you do not cancel by the deadline and/or do not attend, you are still responsible for payment.

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