



*8th Annual*  
**Construction Law  
& Government  
Contracting**



**Oct. 8 & 9, 2019**

HILTON GARDEN  
INN - MIDTOWN

**Atlanta, GA**

**ACCREDITATION**

**GA CLE, AIA, IRMI,**

*(see inside for details)*

THE SEMINAR GROUP ~ RAISING THE BAR OF CONTINUING LEGAL AND PROFESSIONAL EDUCATION

## **Seminar Overview**

Once again, The Seminar Group is presenting a timely and relevant seminar focusing on important topics in construction law and Federal government contracting. Attendees will have a unique opportunity to hear from attorneys and other professionals regarding recent trends and issues facing the construction industry. We will discuss the prosecution and defense of construction related claims as well as bidding upon and successfully performing government contract work.

This program will offer valuable tips and strategies for lien, bond, and Little Miller Act claims; general employment, immigration, 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

Lunch will be provided both days as well as a Happy Hour following Day One.

### **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 State of the Construction Industry in Georgia and the U.S.**

Case law update; status of construction projects; working with strapped labor markets; impact of tariffs and cost changes in construction projects; the outlook for 2019-2020

**William P. "Billy" Baucom**  
*Troutman Sanders LLP*

**9:45 The Anatomy of a Claim of Lien with Front-End Planning**

Notice of Commencement; Notice to Contractor; what to include in a Claim of Lien; common mistakes & advantages of filing a Claim of Lien; enforceability

**Joseph J. Dinardo**  
*Smith Currie & Hancock LLP*

**10:30 Break**

**10:45 Immigration Issues Facing the Construction Industry**

I-9 and E-Verify requirements; observing discrimination laws; responding to Homeland Securing audits and raids on jobsites; finding sources of legal labor

**Nina Maja Bergmar**  
*Burr & Forman LLP*

**Jack G. Kowalski**  
*Burr & Forman LLP*

**11:25 Design Build Issues, Differing Site Conditions and the Spearin Doctrine**

Advantages & disadvantages of various project delivery methods; contractor liability issues; building information modeling; understanding differing site condition clauses

**Stephen M. Reams**  
*Smith Currie & Hancock LLP*

**12:05 Lunch ~ Sponsored by:**

**SMITHCURRIE**

**1:05 Federal Contracting 101 and Retainage Under the Miller Act/Little Miller Act**

Prompt Pay Act - amendments, requirements & protections; Miller Act - payment bond coverage & subcontract terms; Little Miller Act – State projects & comparison

**Mark A. Cobb**  
*Cobb Law Group*

**1:45 Boot Camp for Bidding on Federal Jobs, Pitfalls and Federal Contract Award Processes**

Hard bidding vs. best value; defining roles and responsibilities; public bidding threshold; soliciting bids; legal criteria for selecting a contractor; common mistakes/challenges

**Tyler P. Scarbrough**  
*Jones Walker LLP*

**2:25 Small Business Programs, Joint Ventures and Size Protests**

Small business programs, eligibility & certification; goals, set-asides & risks; joint ventures & teaming; mentor protégé programs

**Jeffrey J. Nix**  
*Taylor English Duma LLP*

**3:05 Break**

**3:20 Ethical Issues in Federal Government Contracting**

Standards of conduct; conflicts of interest; understanding the False Claims Act and recent developments; limiting exposure; false statements & debarment

**Benjamin L. Williams**  
*Kilpatrick Townsend & Stockton LLP; Washington, DC*

**4:20 Prevailing Wage Laws**

Davis-Bacon and related acts; laborers and mechanics; truck drivers; apprentices & trainees; wages and fringe benefits; overtime; certified payrolls

**D. Albert Brannen**  
*Fisher & Phillips 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 The Dust Has Just Settled – Status of the New Silica Rules**

What is crystalline silica? Status of new rules; enforceability; difference between old & new rules; staying in compliance; increased red tape & costs; Trump's impact

**Scott D. Calhoun**  
*Hendrick Phillips Salzman & Siegel PC*

**9:45 Contract Terms to be Avoided**

Top 10 landmines in construction contracts; enforceability of payment clauses; indemnification for negligence; provisions prohibiting liens; contractual obligations

**David R. Cook, Jr.**  
*Autry Hall & Cook LLP*

**10:30 Break**

**10:45 Deadly Restrictive Language**

How restrictive language can kill a claim; “accord and satisfaction” defense; “full and final payment”; altering language on a check; what if there is not yet a dispute?

**Scott A. Witzgreuter**  
*Weinberg Wheeler Hudgins Gunn & Dial LLC*

**11:30 Courtroom vs. Hotel Conference Room**

When to use mediation; why cases settle and why they don't; realistic expectations; top 5 keys to a successful mediation; what persuades arbitrators; anticipated ADR trends

**Herbert "Hal" H. Gray, III**  
*Ragsdale Beals Seigler Patterson & Gray LLP*

**12:15 Lunch ~ Sponsored by:**

# ALSTON & BIRD

**1:15 The Battle “Zone” or “Rezone” – A Report from the Field**

Common zoning issues in 2018-2019; recent trends & court rulings (Cobb, Fulton, Gwinnett); NPUs; how to fight City Hall; fast-tracking permits; outlook for 2020

**Kathryn M. Zickert**  
*Smith Gambrell & Russell LLP*

**2:00 Claims Avoidance and Mitigation**

Tracking & evaluating project progress; proactive intervention; adherence to contract provisions; mid-project remedies/responses; change orders; written communications

**Deborah Cazan**  
*Alston & Bird LLP*

**Michael J. Mortorano**  
*Alston & Bird LLP*

**2:45 Break**

**3:00 The Mandatory Topic – Insurance**

Overview of construction insurance & risk management; new products/coverage; indemnity provisions; additional insureds; covered events; avoiding gaps in coverage

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

**3:40 The “Independent Contractors” Dilemma - Avoiding and Dealing with FLSA Claims**

Overview of the FLSA; employee vs. independent contractor; potential exposure for violating the FLSA & penalties; defenses; settlement

**Kevin M. Young**  
*Seyfarth Shaw LLP*

**4:20 Understanding the Basics of P3's and P3 Financing**

History of P3s; contract structure & risks; case studies; the financing package; credit assistance; bond/debt financing; concessionaire incentives; infrastructure projects

**Carlos A. Encinas**  
*Alston & Bird LLP*

**5:00 Adjourn**

# Faculty - Construction Law & Government Contracting



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



**Mark A. Cobb** is a founding partner of the Cobb Law Group. For over 20 years, he has concentrated his practice in the area of subcontractor & construction law and small business law, including construction liens, payment bond claims, and Miller Act litigation.



**Joseph J. Dinardo, Program Co-Chair**, is a partner in the Atlanta office of Smith Currie & Hancock LLP. His practice focuses mainly on construction disputes, lien prosecution and defense, contracts, commercial litigation, labor law, and collections.



**Kent W. Collier, CRIS, LEED AP BD+C**, is Client Executive and Professional Services Risk Consultant at Greyling Insurance Brokerage & Risk Consulting, a division of EPIC. He provides day-to-day service to Greyling clients regarding insurance and risk issues.



**William P. "Billy" Baucom** is an attorney at Troutman Sanders LLP. His construction practice revolves around the negotiation and drafting of various construction agreements, including design-builds, SSAs, PSAs and related work orders.



**David R. Cook, Jr.** is an attorney at Autry Hall & Cook LLP. His construction and procurement law practice includes litigation and transactional matters for owners, such as state & local governments, and contractors, subcontractors, and suppliers.



**Nina Maja Bergmar** is a member of Burr & Forman LLP's Labor & Employment group. She defends clients in employment discrimination, wage and hour compliance, FMLA compliance, restrictive covenants, tort and contract claims.



**Carlos A. Encinas** is a Senior Associate in Alston & Bird LLP's Atlanta office. He represents financial institutions, government entities, investment funds, and other participants in a range of public finance, infrastructure, and real estate transactions.



**D. Albert "Bert" Brannen** is Regional Managing Partner in the Atlanta office of Fisher & Phillips LLP, where he has practiced law for more than 30 years. He represents employers exclusively in solving their labor and employment law problems.



**Herbert "Hal" H. Gray, III** is the managing partner of Ragsdale Beals Seigler Patterson & Gray LLP. His construction law practice involves representing clients in all phases of development and construction from project design through dispute resolution.



**Scott D. Calhoun**, a partner at Hendrick Phillips Salzman & Siegel PC, has over 3 decades of legal experience. He has a broad base of experience in the formation and structuring of all types of business entities as well as in mergers and acquisitions.



**Jack G. Kowalski** is a partner at Burr & Forman LLP and past Chair of the firm's Construction Law section. He is a member of the American Bar Association's Forum on Construction Industry, the Litigation Section and the Construction Litigation Committee.



**Michael J. Mortorano** is a senior associate at 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 arbitrations.



**Kevin M. Young** is a partner in the Labor & Employment Department of Seyfarth Shaw LLP. He focuses his practice on employment litigation and counseling, with an emphasis on matters relating to federal, state, and local wage and hour laws.



**Jeffrey J. Nix** is a partner at Taylor English Duma LLP. For the past 27 years, he has focused entirely upon construction law representing stakeholders involved in every facet of the industry. He drafts RFP's, teaming arrangements, and joint ventures.



**Kathryn M. Zickert** is a partner at Smith Gambrell & Russell LLP and leads the firm's Zoning, Planning and Land Use Practice Group. She practices in all aspects of land use and zoning including environmental and land use litigation, condemnation and re-zonings.



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



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



**Benjamin L. Williams** is an attorney at Kilpatrick Townsend & Stockton LLP. He represents clients in the government contracts and construction industry including defense & general contractors, subcontractors, suppliers, owners, insurers, and sureties.



**Scott A. Witzgreuter** is a partner with Weinberg Wheeler Hudgins Gunn & Dunn LLC. His practice focuses on construction and commercial contract litigation. He represents owners, contractors, sureties, materialmen, design professionals and insurers.

# Construction Law & 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, of which 1.0 hour will also apply in the area of ethics.

### **AIA**

This course has been approved by The American Institute of Architects for 13.0 LU's. 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 6.0 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

### **Hilton Garden Inn Midtown / Homewood Suites**

97 10th Street NW  
(Corner of 10th ST NW and Williams ST NW)  
Atlanta, GA 30309

Phone: 404-524-4006

The seminar is located in the Piedmont/Park room. Please call the venue for directions/questions.

#### **PARKING**

On-site parking is available. Please contact the venue for more information.

## Fees

### **Live Seminar:**

Attorney	\$799.00
Government / Tribal / Non-Profit	\$649.00
Other Professionals	\$649.00
Student / Professor	\$599.00
Day One	\$499.38
Day Two	\$499.38

### **Pre Order On Demand:**

All Sessions	\$799.00
Single Session	\$99.00

### **Pre Order MP3 Download:**

All Sessions	\$799.00
Single Session	\$99.00

### **Pre Order DVD Homestudy:**

All Sessions	\$849.00
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### **Pre Order CD Homestudy:**

All Sessions	\$849.00
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### **Pre Order Materials Download:**

All Sessions	\$229.00
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### **Pre Order Printed Materials:**

All Sessions	\$259.00
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Go to our website to register:  
[www.TheSeminarGroup.net](http://www.TheSeminarGroup.net) or call our office at  
800-574-4852 or 206-463-4400. You can also  
contact us at [info@theseminar.com](mailto:info@theseminar.com) 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 10/2/19. 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.

### **Register at**

**[TSGregistration.net/5966](http://TSGregistration.net/5966)**