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Fundamentals of Construction Contracts in New Jersey: *Understanding the Issues*

Somerset, NJ • February 13, 2014

Faculty

Moderator:

Ronald C. Kerins Jr., CCM, LEED® AP
GREYHAWK

Lee M. Tesser

Tesser & Cohen P.C.

Stephen Paul Winkles, Esq.

Tesser & Cohen P.C.

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Give your project the best chance for success – make sure your contract will help you, not hurt you.

Keep your risks to a minimum and your profits to a maximum. Construction contracts can help you do this and much more. Sign up for this seminar and get a working understanding of contracts to minimize your risk of devastating financial loss in today's uncertain economic climate.

Improve your contract know-how so you can have an advantage in your next contract negotiation. A strong knowledge of contract terms and conditions will help you save money and avoid disputes – so start building that knowledge now. Register today.

Benefits for You

- Use effective contract language now to avoid lawsuits later
- Avoid heated arguments during the project by addressing key issues in your contracts and subcontracts
- Prevent payment problems on the front end by clearly laying out lien and bond procedures in your contract
- Keep your company out of costly litigation – properly address claims and dispute resolution in your contract

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Learning Objectives

- You will be able to review standard contract forms.
- You will be able to review basic contract principles.
- You will be able to discuss dispute resolution.
- You will be able to explain key provisions in subcontracts.



Seminar Agenda

This seminar will be presented by **Ronald C. Kerins Jr., CCM, LEED® AP, Lee M. Tesser and Stephen Paul Winkles, Esq..**

8:00 AM - 8:30 AM	Registration
8:30 AM - 9:15 AM	Overview of Standard Contract Forms and a Comparison <ul style="list-style-type: none">• AIA, AGC and EJCDC• Other Forms
9:15 AM - 10:00 AM	Various Pricing Mechanisms and How They Differ <ul style="list-style-type: none">• Fixed Price Contract and Cost Plus Contract
10:00 AM - 10:10 AM	Break
10:10 AM - 11:15 AM	The Basic Relationships Among the Parties <ul style="list-style-type: none">• Traditional, Design-Bid-Build, Multiprime and Design-Build• CM Including CM At-Risk• Public vs. Private Differences in Terms of Letting out a Project
11:15 AM - 12:00 PM	Review of Basic Contract Principles <ul style="list-style-type: none">• The Requirements for a Valid Contract; Does a Contract Have to Be Written?• What If the Contract Doesn't Have Everything?• Essential Contract Terms
12:00 PM - 1:00 PM	Lunch (On Your Own)
1:00 PM - 1:45 PM	Review of Basic Contract Principles (Continued) <ul style="list-style-type: none">• What Documents Make up the Contract?• Contract Modifications• Resolving Inconsistent or Conflicting Contract Terms

1:45 PM - 2:30 PM	Dispute Resolution <ul style="list-style-type: none">• Litigation, Mediation and Arbitration• Other Forms of Alternative Dispute Resolution
2:30 PM - 2:40 PM	Break
2:40 PM - 3:45 PM	What Are the Most Important Provisions? Red Flags in Construction Contracts <ul style="list-style-type: none">• Incorporation by Reference• Scope of Work• Changes in the Work• Liquidated Damages• Warranties• Right to Stop Work and Termination• Payment Rights and Obligations• Indemnification• Insurance• Notice• No Damage for Delay Clauses• Dispute Resolution• Disclaimers and Exculpatory Provisions• Liens• Pay When Paid Clauses• Opportunity to Cure
3:45 PM - 4:30 PM	Key Provisions in Subcontracts <ul style="list-style-type: none">• Flow-Down Clauses• Pay If Paid Clauses• Insurance Requirements• Termination• Making and Resolving Claims• Waiver of Subrogation• Lien Waivers• Are Subcontractor Bids Binding?• Liquidating Provisions and Agreements

Presented By:

Ronald C. Kerins Jr., CCM, LEED® AP — Moderator

- Principal partner with GREYHAWK with more than 25 years of experience in all phases of construction management, from design through occupancy
- Responsible for finance management as well a business development and marketing for the firm across all market sectors
- Expertise in representing owners as a construction consultant in the areas of project and program management, value engineering, contract administration, cost control, scheduling and construction claims

Lee M. Tesser

- Former chair of the Construction Law Section for the New Jersey State Bar Association
- Construction arbitrator for the American Arbitration Association

- Writer of treatise *State-by-State Analysis of Legal Issues Affecting Architects, Engineers, Contractors and Owners*, an Aspen Publisher's publication

Stephen Paul Winkles, Esq.

- Partner at Tesser & Cohen P.C.
- Experience representing owners, construction managers, general contractors and trade contractors in all stages of the construction process
- Practice includes reviewing, negotiating and preparing construction contracts and general conditions
- Can be contacted at swinkles@tesseractcohen.com

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Fundamentals of Construction Contracts

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 Dept. 5382, P.O. Box 2933
 Milwaukee, WI 53201-2933

Where Is It?

Holiday Inn
 Somerset-Bridgewater
 195 Davidson Avenue
 Somerset, New Jersey
 732-356-1700

Who Should Attend?

This seminar is designed for attorneys, presidents, vice presidents, owners, project managers, engineers, controllers, accountants, contract managers, architects, facilities managers, contractors, subcontractors and other construction professionals.

GENERAL INFORMATION:

- This seminar may be recorded by Lorman Education.
- If you need special accommodations, please contact us two weeks in advance of the program.
- Lorman Education Services is not approved to offer self-study CPE credit for accountants; therefore, no CPE will be given for this program if ordered as a self-study package.

CANCELLATIONS: Substitute registrants can be named at any time. A full refund, less a \$20 service charge, will be given if notification is given six or more business days in advance. Notification of less than six business days will result in a credit that can be applied to any Lorman products or services. If you do not cancel or attend, you are responsible for the entire payment.

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