

Please review the following marketing information for your seminar.

Planner/Assistant: Peggy Strum, Wendi

Title: The Fundamentals of Construction Contracts:
Understanding the Issues in New Jersey

Location: New Brunswick, NJ

Hotel: To be determined

Date: November 14, 2008

Seminar ID: 382115

Tuition: \$ 329

Audience: 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.

Credit: Continuing education credit will be applied for. Please contact me if you have questions or concerns.

Our Distinguished Faculty

Speaker Names

Moderator:

Ronald C. Kerins Jr., CCM

Greyhawk North America, LLC

Lee M. Tesser, Esq.

Tesser & Cohen P.C.

Stephen Paul Winkles, Esq.

Tesser & Cohen P.C.

Ronald C. Kerins Jr., CCM, is with Greyhawk North America, LLC. Mr. Kerins is a construction professional with more than 20 years of experience in all phases of construction management from design through occupancy. His expertise is in representing owners as a construction consultant in the areas of project and program management, value engineering, contracts and administration, cost control, scheduling and construction claims. Mr. Kerins is a certified construction manager as conveyed by the Construction Management Certification Institute. He also serves as a director on the national board of CMAA. Mr. Kerins holds a B.S. degree in architecture and a B.S. degree in civil and construction engineering technology from Temple University, as well as an M.B.A. degree with focus in leadership studies from The Pennsylvania State University. He is vice president of the Temple College of Engineering Alumni Board and sits on the industrial advisory board for the Temple College of Engineering. Mr. Kerins provides educational guidance as an instructor for the Philadelphia Engineer's Club teaching "Project Management of Construction." He is an adjunct professor at Temple University College of Engineering teaching "Construction Contracts," an adjunct professor at Widener University School of Engineering teaching the Master's of Engineering Program "Engineering Management I and II," and an instructor for CMAA Professional Review Course teaching "Value Engineering" and "Scheduling." Mr. Kerins is involved in the ACE mentoring program in the city of Philadelphia and has also completed studies in LEED® certification.

Lee M. Tesser, Esq., is with the law firm of Tesser & Cohen P.C. He practices in the areas of construction, surety law, construction litigation, construction arbitration, contractor performance bonds, construction defects, commercial litigation, real estate, construction liens and professional liability. Mr. Tesser is the prior co-chair for the New Jersey State Bar Association Construction Law Section and is the general counsel for the Bergen County Electrical Contractors Association. He is counsel of record in the following reported construction case: *Sparwick Contracting Inc. v. Tomasco Corp*, 335 N.J. Super. 73 (App. Div. 2000). He is the contributing author for the state of New Jersey for the *State-by-State Guide to Construction Contracts & Claims* published by Aspen Publishers. Mr. Tesser is also a contributing author to *Residential Construction & Renovation: A Legal Guide for New Jersey Homeowners* published by the New Jersey State Bar Foundation. He is a frequent speaker on various construction-related issues as reflected on the firm's website: www.TesserCohen.com.

Stephen Paul Winkles, Esq., is an attorney with Tesser & Cohen P.C. He has broad experience representing owners, construction managers, general contractors and trade contractors in all stages of the construction process. Mr. Winkles' practice includes reviewing, negotiating and preparing construction contracts and general conditions. He has experience with both public and private projects in New York and New Jersey. Mr. Winkles has litigation, construction and arbitration experience with all issues that traditionally arise in construction disputes. Mr. Winkles has argued appeals on construction and bidding issues in New Jersey and in New York, and has handled litigations in the federal courts in both New York and New Jersey. He is a frequent writer and speaker on construction law. Mr. Winkles received his B.A. degree in history and prelaw from Pensacola Christian College and his J.D. degree from Seton Hall University School of Law. He can be reached at swinkles@tesseractcohen.com.

Critical Issues on the Agenda

This seminar will be presented by Ronald C. Kerins Jr., CCM, Lee M. Tesser, Esq., 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• Interpreting Ambiguous Contracts• What Is a Breach of Contract?
1:45 PM – 2:30 PM	Dispute Resolution – The Pros and Cons of Each <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

The material submitted for the agenda has been condensed in order to increase the font size and readability. If you would like to add information to your section, please replace an existing subtopic(s). Thank you.

Seminar Highlights

How to avoid the pitfalls of construction contracting – what you don't know *could* hurt you.

Contracts are a legally charged part of every construction project – they can impact the rights and remedies of owners, lenders, contractors, subcontractors and suppliers positively *and* negatively. Building a strong knowledge of construction contracts and related terms and conditions will go a long way in helping you avoid disputes. Attend this seminar and get the knowledge and practical insight you need to understand the legal and administrative issues associated with construction contracts. Our experts will guide you through the entire process of contract development so that you better understand important contract provisions and how to properly document project conditions to minimize your risk of devastating financial loss.

Benefits for You

- Learn about the basic relationships among the parties
- Explore the different kinds of standard contract forms
- Become fluent in basic contract principles
- Tips on spotting red flags in construction contracts
- Give your company the best chance to succeed on its project

Professional Manual

You will receive a professionally prepared manual made exclusively for this seminar by our faculty. If you can't attend, you can still get the manual – along with a copy of the recorded seminar on CD – by simply using the registration form on the inside of this brochure.

Learning Objectives

- You will be able to identify various pricing mechanisms and how they differ.
- You will be able to review the basic relationships among the parties.
- You will be able to discuss dispute resolution.