



15th Annual Bricker & Eckler LLP

TOP GUN Construction Claims Seminar

Thursday, October 19, 2017
The Conference Center at OCLC
General Session Room
Dublin, Ohio



Guest Speakers



Bob Sewell

Bob Sewell is a senior project executive for Gilbane Building Company with nearly 20 years of experience in the construction industry in a variety of market segments including higher education, K-12, corporate, municipal and health care building programs. Bob has specialized in K-12 programs for the Ohio School Facilities Commission, leading Gilbane's team on multiple projects totaling more than \$525 million.



Joe Urquhart

Joe Urquhart, CPCU, CRIS, is the vice president of Overmyer Hall Associates specializing in insurance and risk management programs for contractors, real estate developers and owners, and manufacturers. He advises clients on insurance issues such as risk transfer, builders' risk, additional insureds, professional liability and loss control.



Bob Vail

Bob Vail is the founder and president of VN Services and founder and vice president of VN International. He is an expert in construction delay and disruption and testifies as an expert witness. Bob has served as an arbitrator for the American Arbitrators Association since 1985 where he also served on the Construction Advisory Council. He has been involved in 1000+ projects, with an expertise of planning, organizing and controlling projects in 28 states and 4 countries. Bob is an author, presenter and educator who has been a Senior Lecturer at University of Akron.



Sam Wampler

Sam Wampler is a veteran trial lawyer with more than 35 years of experience. He has been listed by *Best Lawyers in America* in the field of construction law in Ohio, has been recognized for many years by *Chambers USA* as a leading lawyer in Ohio in construction law and is a member of the *Million Dollar Advocates Forum*. He retired from Bricker & Eckler after 12 years of practice with the firm and established *SansCourt LLC*, where he now serves as a mediator and arbitrator in civil disputes.



Mark Seifried

Mark Seifried, PE is the managing director/senior consultant at NV5. He has 18 years of civil/structural design and project management experience on a variety of public and private sector projects. Mark has successfully delivered advanced construction management consulting services to owners, representatives, design professionals, construction managers, and contractors on various projects throughout the United States.

Bricker & Eckler Team



Chris Bondra



Laura Bowman



Casey Cross



Desmond Cullimore



Mark Evans



Sylvia Gillis



Pramila Kamath



Michael Katz



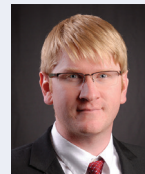
Tarik Kershah



Rob Lally



David Lampe



Sam Lewis



Chris McCloskey



Jack Rosati, Jr.



Doug Shevelow



Matt Stout

Construction Group Chair

7:15-7:40

REGISTRATION

7:40-7:45

WELCOME & INTRODUCTIONS

Jack Rosati, Jr., *Bricker & Eckler LLP, Construction Department Chair*

7:45-8:00

HOT TOPICS – FACILITY ISSUES INVOLVED IN ADA – Reasonable Accommodation Requests

David Lampe, *Bricker & Eckler LLP*

8:00-9:00

BEGINNING A PROJECT – Decision Points
How to get started, what to expect, how to deal with the unexpected

Chris McCloskey, *Bricker & Eckler LLP*

Michael Katz, *Bricker & Eckler LLP*

- Choosing a project delivery method
- Selecting project professionals
- Types of documents – requests for qualifications, requests for proposals, professional services and construction contracts

9:00-9:30

BEGINNING A PROJECT – Decision Points (continued)

Jack Rosati, Jr., *Bricker & Eckler LLP*

Laura Bowman, *Bricker & Eckler LLP*

- Examples of possible claims in each project delivery method – GC, CMR, DB & multiple prime

9:30-9:45

BREAK

9:45-10:30

STRATEGIES FOR DEALING WITH CLAIMS – Insurance & Bonds

Doug Shevelow, *Bricker & Eckler LLP*

Joseph Urquhart CPCU, *Overmyer Hall Associates*

- Review basic insurance concepts & types
- Review typical insurance requirements for a construction project
- Types of claims under insurance
- Role of the surety on a construction project – contractor default?
- Professional liability insurance for design professionals and other consultants

10:30-11:00

STRATEGIES FOR DEALING WITH CLAIMS – Project Documentation

Desmond Cullimore, *Bricker & Eckler LLP*

Mark Seifried, *NV5*

- Tips for project documentation and administration

11:00-12:00

STRATEGIES FOR DEALING WITH CLAIMS – Project Schedule

Mark Evans, *Bricker & Eckler LLP*

Bob Vail, *VN Services*

- Schedule approaches and analysis; managing the time = money equation
- Examples of schedule claims and strategies for managing time-related claims

12:00-1:00

LUNCH

1:00-1:45

SPECIFIC CLAIMS – Unforeseen Site Conditions

Doug Shevelow, *Bricker & Eckler LLP*

Sam Lewis, *Bricker & Eckler LLP*

- Who bears the risk for unforeseen site conditions?
- Can an owner disclaim liability for unforeseen site conditions?
- Common contract provisions that address unforeseen site conditions
- Tips on how to successfully resolve an unforeseen site condition claim

1:45-2:45

SPECIFIC CLAIMS – Lien & Bond Claims and Errors & Omissions

Chris McCloskey, *Bricker & Eckler LLP*

Desmond Cullimore, *Bricker & Eckler LLP*

- Mechanics' lien claims on public and private sector construction projects
- Bond claims
- Claims against the design professional

2:45-3:00

BREAK

3:00-4:00

SPECIFIC CLAIMS – Defective and Nonconforming Work

Chris McCloskey, *Bricker & Eckler LLP*

Tarik Kershah, *Bricker & Eckler LLP*

Bob Sewell, *Gilbane Building Company*

- Methods for addressing critical failures in performance and managing resolutions
- Examples of claims for defective and nonconforming work by the owner

4:00-4:15

FINANCING CORRECTIVE WORK PRIOR TO RECOVERY

Matt Stout, *Bricker & Eckler LLP*

- Unvoted financing options for projects that need remedial work

4:15-4:45

DISPUTE RESOLUTION

Chris Bondra, *Bricker & Eckler LLP*

Sam Wampler, *SansCourt LLC*

- Project level resolution, mediation, arbitration and litigation

Location and Registration Information

Location

The Conference Center at OCLC
General Session Room
6600 Kilgour Place
Dublin, Ohio 43017-3395
614.764.6000

Credits

7.25 AIA credits and 7.25 CLE credits have been approved for this program. Certificates for Engineering CPD credit are available upon request.

Tuition

\$199

- Early Bird registration through Friday, September 29
- Members of sponsoring organizations

\$239

- Regular registration

Special Rates

- Two or more from the same organization:
Call for special pricing

Reservations

Online: www.bricker.com/events
(VISA/MC only)

By Mail: Bricker & Eckler LLP
Attn: Lindsey Hohler
100 S. Third Street
Columbus, Ohio 43215
(For checks and purchase orders)

By E-mail: lhohler@bricker.com

By Phone: 800.750.1525 – toll free
614.227.6913 – direct

Cancellation Policy

Registrants may be substituted at any time.
Full-refund cancellation requests must be made on or before October 16, 2017.
No refunds will be made after that time.

Who Should Attend

- Owners and their representatives
- Architects and engineers
- Construction claims companies (consultants)
- Construction attorneys
- Prosecuting attorneys
- Construction managers
- Contractors

What You Will Learn

- Important construction concepts, including key contract language, best practices for project documentation, the risks of unforeseen site conditions, delays and lost productivity claims, and the design professional's standard of care
- Strategies to address damage and claims
- Tools to analyze, prepare for, and defend against claims for additional compensation or damages
- Options to manage and resolve construction claims efficiently

Co-Sponsors

- American Institute of Architects Ohio (AIA)
- Buckeye Association of School Administrators (BASA)
- County Commissioners Association of Ohio (CCAO)
- Ohio Contractors Association (OCA)
- Ohio Council of Port Authorities
- Ohio Manufacturers' Association (OMA)
- Ohio Municipal League (OML)
- Ohio Prosecuting Attorneys Association (OPAA)
- Ohio Township Association (OTA)

If you have special needs as addressed by the Americans with Disabilities Act, please notify us at least two weeks prior to the program.