

Construction Project Scheduling & Delay Claims



MARCH 2, 2018

CROWNE PLAZA
DOWNTOWN

Seattle, WA

ACCREDITATION

WA MCLE

6.0 Law & Legal Credit

OR CLE

6.0 General Credits

AIA

6.25 LU's

IRMI

7.0 CRIS Reaccred. Credits

Contractors & Engineers

May Qualify

WHO SHOULD ATTEND

Attorneys/Legal Staff
Architects
City & County Managers
Contractors/Subs
Consultants/Engineers
Design Professionals
Government Employees
Project Managers

GROUP RATES

**See our website
for rates that qualify*

2-4 Attendees - 5% Off
5-9 Attendees - 15% Off
10+ Attendees - 30% Off

Why You Should Attend:

The Seminar Group has assembled a diverse group of top Construction Law Professionals who practice in and understand the issues of complex public and private construction in the Pacific Northwest region and nationally. This seminar will cover CPM concepts and principles essential for understanding and presenting project delay analyses, as well as advanced technical and legal concepts and strategies for addressing schedule delay, disruption, and acceleration claims. The panel of expert speakers will address the most challenging issues that arise in managing project schedules and delays and will present cutting-edge techniques for documenting, analyzing, and presenting project schedule delay events, providing guidance on how to avoid, negotiate, and resolve these disputes.



Available Via:
Live Webcast



And You Don't Want to Miss...

Bidding Public Works & Construction Contracts

May 17, 2018 ~ Seattle, WA & Live Webcast

Join Program Co-Chairs, **Nora Huey**, of the *Port of Seattle*, and **Colm Nelson**, of *Foster Pepper PLLC*, as they address these important issues in bidding: Principles & Policies; Rating Contractors; Contractor Perspective; Understanding Documents; Bid Protests; Termination of a Contract; and Case Studies.

5 EASY WAYS TO REGISTER

- 1 ONLINE: www.TheSeminarGroup.net
- 2 FAX: 866-435-3444
- 3 EMAIL: info@TheSeminarGroup.net
- 4 PHONE: 206-463-4400 / 800-574-4852
- 5 MAIL: PO Box 523, Vashon, WA 98070

9:00 Introduction and Overview

Tymon Berger, Program Co-Chair
Attorney at Law

Aleanna Kondelis, Program Co-Chair
Construction Contracts Mgr.,
City of Seattle

9:10 Basic Scheduling Concepts for Delay, Acceleration, and Mitigation

Activities & relationships; starts, finishes, durations, forward and backward passes, and float; how the critical path is determined; identifying and calculating delay and determining causation; quick and simple demonstration of how time-impact analyses are effected in a CPM schedule; delay versus acceleration versus disruption (impact and lost productivity); mitigation; disruption; impact and lost productivity; frustrated early completion; 8 common schedule analysis techniques - the procedures and assumptions built into each technique

Brendan J. Peters, AIA
Perkins Coie LLP

Richard T. Shiroyama, PE
Project Controls Mgr.
Hainline

10:00 Primary Legal Concepts for Delay Claims

Contract terms; notice provisions; The Spearin Doctrine; inexcusable, excusable, and compensable delays; concurrent and apportioned delays; pacing; directed and constructive acceleration; no damage for delay clauses and statutes; claim preservation and presentation provisions; legal burdens and standards of proof; consequential and liquidated damages

Tymon Berger
Attorney at Law

10:45 Break**11:00 Establishing Lost Productivity and Cumulative Impact Claims**

Techniques for establishing, documenting, and quantifying lost productivity; cumulative impact, ripple effect, and other disruption claims; using modified total productivity loss, measured mile, earned hours, and industry studies; Cardinal change; establishing causation; preserving contractual right to assert productivity-impact claims

James Stoner, PE, CMVP, VMA
President & COO
Hainline

Megan S. Wells, Director
Global Construction Practice,
Navigant Consulting, Inc.

11:45 Midday Break**1:00 Analyzing and Computing Damages**

Analysis methodologies; analysis tools; quantifying delay, impact, disruption, inefficiencies, and lost productivity damages; unabsorbed and under-absorbed overhead (*Eichleay*); typical defenses and counterclaims

Jeffrey L. Ottesen, PE, PSP, CFCC, (Invited)
Project Controls & Forensics LLC

James Stoner, PE, CMVP, VMA
President & COO
Hainline

1:45 What Do You Do When...?

Recognizing the beginnings of a delay; tracking and documenting the delay; what contractors and owners can do (better); contractor strategies in articulating, substantiating, and resolving delay claims; owner strategies in understanding, evaluating, and resolving delay claims

Brett M. Hill
Ahlers & Cressman PLLC

Jason M. Ketrick
Carney Badley Spellman PS

2:45 Break**3:00 Real Life Issues in Project Delays - Panel Discussion**

- City of Seattle's Streetcar Project
- Other Case Studies...

Steven M. Goldblatt, Moderator
Resolve Disputes

Loren G. Armstrong, Senior Port Counsel
Port of Seattle

Robert Bourg, Claims & Disputes Manager
Engineering & Architectural Services,
WA State Dept. of Enterprise Services

Bob Dillon, Senior Construction Mgr.
Capital Projects Office, University of Washington

Aleanna Kondelis, Construction Contracts Mgr.
City of Seattle

4:15 Dispute Resolution and Arbitration of Schedule & Delay Claims

Resolving schedule & delay claims in mediation, arbitration, and before DRBs; what actually works when trying to persuade the facilitator or decision maker; dos and don'ts in presenting claims; what a mediator, arbitrator, or DRB is looking for in assessing claims

Richard H. Skalbania
Ashbaugh Beal LLP

5:00 Adjourn

Faculty ~ Conference Information



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Tymon Berger, Program Co-Chair, is an attorney at law. His construction experience spans 24 years. He became a lawyer after ten years as a carpenter and CM, and now advises contractors regarding: contract review and negotiation; bid protests; bond and lien claims; surety disputes; and claims for defective design, delay, productivity impacts, scope disputes, and extra work.



Jason M. Kettrick is chair of Carney Badley Spellman PS's energy law practice group, co-chair of the firm's construction law section, and a member of the business law section. He is general counsel to many local, regional, national and international companies, with a focus on firms involved in engineering, construction, development and financial industries.

Aleanna Kondelis, Program Co-Chair, is the City Construction Contracts Manager with the City of Seattle. She is responsible for public works project delivery from contract creation to completed construction. She ensures the planning and delivery of roads, utilities (water, sewer, storm, and power), parks and community facilities, as well as maintenance needs for City assets.



Jeffrey L. Ottesen, PE, PSP, CFCC, is the owner of Project Controls & Forensics LLC. He has more than 23 years of professional experience in civil engineering, planning, CPM scheduling, construction management and dispute resolution services. In the last 15 years, he has been involved extensively in dispute resolution and EPC contractor management process improvements.



Loren G. Armstrong is Senior Port Counsel for the Port of Seattle. He had been a Senior Legal Counsel with Sound Transit from 2006-2017, where he focused on all aspects of public procurement, public contracting, and construction law. He previously worked in several structural engineering firms where his practice focused on the design of low- to mid-rise structural steel and concrete.



Brendan J. Peters, AIA, is a partner with Perkins Coie LLP. He focuses on construction litigation, construction transactions, and complex commercial litigation. He has over 15 years of combined experience in the legal and construction fields. Before becoming an attorney, he was an architect involved with all phases of the design and construction of complex commercial, civic, and residential projects.

Robert Bourg is a Claims and Disputes Manager for the Washington State Department of Enterprise Services' Engineering & Architectural Services (E&AS) division. Engineering & Architectural Services offers expertise on a wide range of facility issues and public works project management on behalf of public organizations throughout Washington. Services offered by E&AS include the Capital Project Management Program; the Reimbursable Capital Project Management Program; and the Energy Program.

Richard T. Shiroyama, PE, is a Project Control Manager with Hainline. He provides a wide range of construction consulting services for clients including: construction scheduling, schedule delay analysis, claim preparation, claim analysis, and project management. He has over 20 years of experience in the construction industry providing scheduling, claims, and management duties on projects.



Bob Dillon, is a Senior Construction Manager for the Major Projects Group (MPG) of the University of Washington's Capital Projects Office. The Major Project Group is responsible for projects at all three UW campuses as well as Harborview having total project costs of \$10 million or greater.



Richard H. Skalbania is a partner at Ashbaugh Beal LLP. During his 30-year career, he has successfully represented clients in some of the most high-profile construction disputes in the Pacific Northwest including Seahawks Stadium, Safeco Field, Key Arena, the downtown Seattle Library, the Rainier Valley Sound Transit Light Rail and the SR 99 Bored Tunnel.

Steven M. Goldblatt is principal of Resolve Disputes. He has served on 108 public projects as dispute review board chair, dispute review board member, or project neutral. He is associate professor emeritus at the University of Washington—where his teaching and research focused on design and construction law—and a 40-year member of the California Bar.



James Stoner PE, CMVP, VMA, is the President and COO of Hainline. He has over twenty years of experience in the design and construction industry. His specialized areas in MEP construction consulting include design-build and plan-spec construction. His expertise within these areas includes schematic and construction document budgeting, constructability review and value engineering.



Brett M. Hill, a partner at Ahlers & Cressman PLLC, concentrates his practice on representation of the construction industry in a variety of matters. He has over a decade of construction litigation experience where he has handled high profile construction disputes for ENR 400 contractors, but he also regularly handles litigation matters for closely held regional companies.



Megan S. Wells is a Director of Global Construction Practice at Navigant Consulting Inc. She is also Director of the Seattle Office Construction Practice, where she oversees all construction projects initiated out of the that office. She has over 20 years of consulting experience, including the analysis of costs and damages incurred on numerous construction projects and government contracts throughout the U.S.

Conference Information

Course Accreditation

This course has been approved for 6.0 hours of law and legal CLE credit by the Washington MCLE board (*attending and live webcast*). Self-Study credit will be available, specific credit amount to be determined. This course has been approved by the Oregon State Bar for 6.0 general CLE credits (*attending and live webcast*). This course has been approved by The American Institute of Architects for 6.25 LU's (*in person attendance only*). The Seminar Group is an AIA CES Approved Provider. This course has been approved by the IRMI for 7.0 hours of CRIS reaccreditation credits (*in person attendance only*). Contractors and engineers may qualify for continuing education hours through the American Institute of Constructors or the Construction Management Association of America. For information or accreditation in other states, please call THE SEMINAR GROUP at (206) 463-4400 or (800) 574-4852.

Substitution/Cancellation

You may substitute another person at any time. We will refund tuition, less a **\$50 cancellation charge**, if we receive your cancellation by **Friday, February 23, 2018**. 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.*

Seminar Location

The seminar will be held at the Crowne Plaza Seattle Downtown, 1113 6th Avenue, Seattle, WA, (206) 464-1980. Please call the hotel for directions/questions. *Check our website for special rates on sleeping rooms.*

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March 2, 2018 • Crowne Plaza Downtown • Seattle, WA

Name _____

Additional Name _____

Firm _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

Email _____

Attendance Fees

- Live Seminar Live Webcast
- Attorney \$529
- Government/ Nonprofit \$429
- Other Professionals \$429

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AIA 6.25 LU's

IRMI 7.0 CRIS Reccreditation Credits

Contractors & Engineers May Qualify