



Delaware Area Career Center



17th Annual Bricker & Eckler LLP **TOP GUN** Construction Claims Seminar



Thursday, October 10, 2019
The Conference Center at OCLC
General Session Room
Dublin, Ohio



Guest Speakers



Tucker Elliott

Tucker Elliott is Vice President at VN Services and has been a senior consultant since 1998 providing clients with project management advice and claims analysis. Since 1980, Mr. Elliott has worked with owners, architects, engineers, and contractors on over 288 projects in 33 states and 7 countries. These projects have ranged in size from \$30,000 to \$6 billion and have been in a variety of industries including education, manufacturing, power, petrochemicals, pharmaceuticals, hospitals, demilitarization, environmental, metals, and infrastructure.



Kurt Miller

Kurt Miller is President of Miller Diversified Inc. and Miller Diversified Construction Company. Since joining Miller Diversified in 1988, Kurt has continued to grow in his expertise of construction, engineering and business. He has expertise in site supervision, project management, estimating, cost control, strategic planning, accounting, engineering and more. In the construction arena he has been responsible for the entire spectrum of process; specifically, conceptualizing projects, design, financing and construction.



Mark Seifried

Mark Seifried, PE is the Managing Director/Senior Consultant at NV5. He has 19 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.



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.



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 in 2012 and established SansCourt LLC, where he now serves as a mediator and arbitrator in civil disputes. He has successfully mediated disputes pending in over 30 different state and federal trial courts in Ohio.

Bricker & Eckler Team



Chris Bondra



Laura Bowman



Casey Cross



Desmond Cullimore, P.E., BCEE



Mark Evans, P.E.



Sylvia Gillis



Ben Hyden



Tarik Kershah



Sean Lehman



Sam Lewis, P.E., S.E.



Chris McCloskey



Jack Rosati, Jr.



Doug Shevelow, P.E.



Jason Stuckey

Construction Group Chair

7:30-7:50 **REGISTRATION**

7:50-8:00 **WELCOME & INTRODUCTIONS**

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

8:00-8:30 **CONSTRUCTION AND THE ADA – Issues Related to New Construction and Renovations**

Jason Stuckey, *Bricker & Eckler LLP*

- Overview of ADA's requirements for reasonable accommodations
- Overview of ADA issues related to design, construction and renovation

8:30-9:30 **BEGINNING A PROJECT – Decision Points**

How to get started, what to expect, how to deal with the unexpected

Ben Hyden, *Bricker & Eckler LLP*

Sean Lehman, *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

9:30-10:00 **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

10:00-10:10 **BREAK**

10:10-11:00 **STRATEGIES FOR DEALING WITH CLAIMS – Insurance & Bonds**

Casey Cross, *Bricker & Eckler LLP*

Joe Urquhart, *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

11:00-11:30 **STRATEGIES FOR DEALING WITH CLAIMS – Project Documentation**

Desmond Cullimore, *Bricker & Eckler LLP*

Mark Seifried, *NV5*

- Tips for project documentation and administration

11:30-12:30 **STRATEGIES FOR DEALING WITH CLAIMS – Project Schedule**

Mark Evans, *Bricker & Eckler LLP*

Tucker Elliott, *VN Services*

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

12:30-1:15 **LUNCH**

1:15-2:00 **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

2:00-3:00 **SPECIFIC CLAIMS – Defective and Nonconforming Work**

Chris McCloskey, *Bricker & Eckler LLP*

Tarik Kershah, *Bricker & Eckler LLP*

Kurt Miller, *Miller Diversified Inc.*

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

3:00-3:10 **BREAK**

3:10-3:40 **BRICKER BLITZ – PUBLIC CONSTRUCTION LAW**

Panel of Attorneys

- Lightning round panel presentation on a variety of construction claims topics

3:40-4:10 **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

This program has been submitted to the Supreme Court of Ohio Commission on Continuing Legal Education for 7.0 total CLE hours of instruction. Approval is pending. Certificates for Engineering CPD credit are available upon request.

Tuition

\$199

- Early Bird registration through Friday, September 20
- 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: 614.227.6913 – direct

Cancellation Policy

Registrants may be substituted at any time. Full-refund cancellation requests must be made on or before October 4, 2019. 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

- Buckeye Association of School Administrators (BASA)
- County Commissioners Association of Ohio (CCAO)
- County Engineers Association of Ohio (CEAO)
- Ohio Contractors Association (OCA)
- Ohio Council of Port Authorities (OCPA)
- 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.