

# Agenda

## Protecting the Project with Bonds and Insurance

T. Bakal

- Obtaining construction bonds
  - Performance
  - Payment
  - Alternatives to bonds
- Obtaining insurance
  - Commercial general liability insurance
  - Builder's risk insurance
  - Errors and omissions insurance
  - Additional/alternative insurance
- Claims and notice issues

## Facilitating the Project with Effective Construction Contracting

J. Haftek, Jr.

- Understanding the legal rights/duties of project participants: owners, contractors, design services firms, subcontractors and suppliers
- Understanding your project delivery system: design-bid-build, design-build, construction manager, construction manager-at-risk
- Using standard or custom contract documents: AIA, ConsensusDocs, others
- Understanding key contract concepts and terms: performance, breach, warranties, guarantees, indemnity, damages
- Modifying contracts and selecting dispute resolution mechanisms

## Making Changes and Resolving Disputes during the Construction Process

T. DeHaut

- Making changes to the contract and contracted work
  - Types of changes: ordered and constructive changes
  - The contract change clause
  - Requirements for making changes
  - Liability issues
- Solving problems during the construction process
  - Site conditions
  - Delays
  - Disruption
  - Acceleration
  - Accidents

## Handling Ethical Issues in Construction, Part 1

W. Jackowski

- Avoiding ethical issues during the bidding process
  - Gifts, favors and the appearance of impropriety
- Your duties to your employer, the project owner, and other project participants
- Adopting practices that minimize ethics issues

## Handling Ethical Issues in Construction, Part 2

W. Jackowski

- Legal and ethical issues in construction practice and disputes
  - Group scenarios with real implications
- The ethics of safety: fulfilling duties to employees and the public
- Incorporating environmental ethics and sustainability into construction and development projects

## Construction Law and Ethics

Somerset, NJ - Thursday, August 1, 2019

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## Learning Objectives

### You'll be able to:

- Learn** how to obtain construction bonds and insurance policies.
- Recognize** key contract concepts and terms.
- Discuss** requirements for making changes to contracts and contracted work.
- Evaluate** ethical issues during the bidding process.
- Examine** the ethics of safety and how to fulfill duties to both employees and the public.



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# Construction Law and Ethics

Somerset, NJ - Thursday, August 1, 2019



**Learn** how to protect projects with bonds and insurance

**Identify** ethical issues in construction

**Get** tips on effective construction contracting

**Discuss** environmental ethics and sustainability

**Make** changes and resolve disputes during the construction process

## Continuing Education Credits

### Professional Engineers

7.0 CPC Credits/PDHs  
(2.0 Ethics Hours)

### Contractors

Non-Credit Continuing Ed.

### Architects

7.0 HSW Continuing Ed. Hours  
7.0 AIA HSW Learning Units



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# Faculty

**Todd Bakal** *Law Offices of Todd Bakal, White Plains*

Mr. Bakal has helped people with their business and personal legal needs for more than 20 years. During that time, he has focused his practice in the areas of construction, environmental, and general commercial litigation as well as insurance coverage disputes. Outside of the courtroom, Mr. Bakal helps individuals and business owners with real estate, business formation and succession, regulatory work, and trust and estate planning and administration issues. He is a graduate of the University of Michigan, where he double-majored in Philosophy and Computer Science. Mr. Bakal then attended George Washington University Law School. Prior to practicing law, he founded RBI Software, Inc., which specialized in the development of commercial vertical market applications. This led to his involvement in and passion for cutting-edge computer and internet legal issues. Mr. Bakal is a member of the New York State Bar Association, the New Jersey State Bar Association, the Westchester County Bar Association, and the New York City Bar Association (where he has served on the Construction Law and Computer Law Committees). He is admitted to the New York and New Jersey bars.

**Joseph R. Haftek, Jr.** *Partner, Schenck, Price, Smith, & King LLP*

Mr. Haftek joined Schenck, Price, Smith & King in 2014 and has represented developers, general contractors, subcontractors, suppliers, construction professionals, design professionals and businesses in both state and federal courts. He has experience in handling all aspects of litigation, including prosecution and defense of bid protests, affirmative and construction lien claims; negotiating, drafting and reviewing contracts; collection services; public and school bid protest and contract law issues; and providing general legal advice and guidance for each phase of the construction process. In addition to being co-chair of the Firm’s Construction Law Practice Group, where he heads the Bid Protest Team, Mr. Haftek is a member of the School Law Practice Group. He was selected to the 2016-2019 New Jersey Super Lawyers® list and to the 2014 New Jersey Rising Stars® list, featured in *New Jersey Monthly* magazine, in the field of Construction Litigation. In 2018 and 2019, he was included on the list of *Morris/Essex Health & Life Magazine’s* “Top Lawyers” in Construction. Mr. Haftek is also a very active participant in the NJSBA Construction Law Section, and currently serves as the chairman of the Section. Mr. Haftek’s knowledge and experience have also been recognized with opportunities as a lecturer to both lawyers and construction industry professionals on topics ranging from construction contracts to public bidding and bid protests.

**Timothy DeHaut** *Shareholder, Giordano, Halleran & Ciesla, P.C.*

Mr. DeHaut serves as co-chair of the Construction Law & Litigation departments at Giordano, Halleran & Ciesla, P.C. where he maintains a broad-based transactional and commercial litigation practice in New York City and New Jersey. He regularly represents real estate developers, owners, lenders, designers, contractors, subcontractors, and vendors throughout all stages of development – from acquisition, design, and financing to construction, occupancy, and sale. Mr. DeHaut’s transactional practice includes the drafting of construction and design contracts, purchase and sale agreements, loan documents, and related development documents. His practice also includes providing advice on sustainable development, energy efficiency, co-generation; solar facilities, and related incentives. In addition to transactional work, Mr. DeHaut represents clients in litigation, arbitration, and mediation. He advocates for clients in a wide variety of complex commercial disputes, with particular focus on troubled construction projects with the goal of helping clients achieve their objectives in the most efficient, practical, and cost-effective manner. He has assisted in the resolution of cases ranging from a few thousand dollars to hundreds of millions and has significant experience in troubleshooting issues with a hands-on, result-oriented approach.

**Wojciech ‘Voytek’ Jackowski** *Principal, Offit Kurman P.A.*

Mr. Jackowski’s practice focuses on commercial and corporate dispute resolution with an emphasis on achieving rational business solutions or cost-effective judicial resolutions of such disputes. In addition to appearing in federal and state courts and before arbitration panels and administrative panels domestically, Mr. Jackowski has experience in international aspects of litigation. He has represented entities and individuals in cases involving trade and contract disputes, property loss claims, bankruptcy proceedings, construction issues, commodities and derivatives matters, white-collar crime, personal injury, and claims raising questions under federal labor law. He also advises clients on international facets of litigation and dispute resolution, as well as criminal and civil facets of various international income reporting obligations. Mr. Jackowski has extensive experience with disputes involving real estate, construction contracts, design and construction defects, and the representation of various real estate industry stakeholders in mediations, arbitrations, trials and appeals. In his practice, he applies his litigation experience in advising clients and provides value added services in structuring business, financial and legal terms for his clients. Mr. Jackowski is a frequent speaker at seminars focusing on risk management and contracting in the construction industry for design professionals, owners/developers and attorneys.

# Seminar Information

## Doubletree by Hilton Somerset

200 Atrium Drive  
Somerset, NJ 08873  
(732) 469-2600

Registration  
8:00 - 8:30 am  
Morning Session  
8:30 - 11:45 am  
Lunch (On your own)  
11:45 am - 12:45 pm  
Afternoon Session  
12:45 - 5:00 pm

## Tuition

**\$289** for individual registration  
**\$269** for three or more registrants from the same company at the same time.

**Included with your registration:** Complimentary continental breakfast and printed seminar manual.

**Receive a reduced tuition rate of \$101** by registering to be our on-site coordinator for the day. For availability and job description, please visit [www.halfmoonseminars.org](http://www.halfmoonseminars.org).

## How to Register

- Visit us online at [www.halfmoonseminars.org](http://www.halfmoonseminars.org)
- Mail-in or fax the attached form to 715-835-6066
- Call customer service at 715-835-5900

**Cancellations:** Cancel at least 48 hours before the start of the seminar, and receive a full tuition refund, minus a \$39 service charge for each registrant. Cancellations within 48 hours will receive a credit toward another seminar or the self-study package. You may also send another person to take your place.

## Continuing Education Credit Information

This seminar is open to the public and offers up to 7.0 CPC credits/PDHs, including up to 2.0 ethics hours, to professional engineers and 7.0 HSW continuing education hours to architects in New Jersey. HalfMoon Education is an approved continuing education provider for New Jersey engineers (Approval No. 24GP00000700).

This event has been approved by the American Institute of Architects for 7.0 Learning Units (Sponsor No. J885). Courses approved by the AIA qualify for New Jersey architects. Only full attendance can be reported to the AIA/CES.

HalfMoon Education is an approved continuing education sponsor for engineers in Florida, Indiana (License No. CE21700059), Maryland, New Jersey (Approval No.

24GP00000700), North Carolina, and North Dakota. HalfMoon Education is deemed an approved continuing education sponsor for New York architects.

This seminar offers a non-credit continuing education opportunity to contractors; it has not been approved in any state that has a contractor continuing education requirement.

Attendance will be monitored, and attendance certificates will be available after the seminar for most individuals who complete the entire event. Attendance certificates not available at the seminar will be mailed to participants within fifteen business days.

## Can't Attend? Order the Manual and Audio from the Live Seminar as a Self-Study Package!

Audio recordings of this seminar are available for purchase starting at \$269. See registration panel for more information and please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

# Registration

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How to Register		Registrant Information
<b>Online:</b> <a href="http://www.halfmoonseminars.org">www.halfmoonseminars.org</a>		Name: _____ Company/Firm: _____ Address: _____ City: _____ State: _____ Zip: _____ Occupation: _____ Email: _____ Phone: _____
<b>Phone:</b> 715-835-5900		<b>Additional Registrants:</b> Name: _____ Occupation: _____ Email: _____ Phone: _____
<b>Fax:</b> 715-835-6066	<b>Code:</b>	Name: _____ Occupation: _____ Email: _____ Phone: _____
<b>Mail:</b> HalfMoon Education Inc., PO Box 278, Altoona, WI 54720-0278		Name: _____ Occupation: _____ Email: _____ Phone: _____
<b>Complete the entire form.</b> Attach duplicates if necessary.		Email address is required for credit card receipt, program changes, and notification of upcoming seminars and products. Your email will not be sold or transferred.
		( )  I need special accommodations. Please contact me.

## Tuition

( ) **I will be attending the live seminar.** Single Registrant - **\$289.00**. Three or more registrants from the same company registering at the same time - **\$269.00** each.

( ) **I am not attending.** Please send me the self-study package:

Downloadable MP3 Audio/PDF Manual for **\$269.00**.

CD/Manual Package for **\$289.00**.

(S&H included. Please allow five weeks from seminar date for delivery)

**Checks:** Make payable to HalfMoon Education Inc.

**Credit Card:** *Mastercard, Visa, American Express, or Discover*

Credit Card Number: \_\_\_\_\_

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