

Public Contracting Requirements and Competitive Bidding in California

Presented by Eric J. Firstman, Esq. and Douglas M. McManamon, Esq. of Meyers Nave.

Sacramento, CA • January 9, 2018 • Register with Seminar ID 401791

San Jose, CA • January 17, 2018 • Register with Seminar ID 401792

Oakland, CA • January 24, 2018 • Register with Seminar ID 401793

All programs are 9:00 AM – 4:30 PM PT

8:30 AM - 9:00 AM REGISTRATION

9:00 AM - 9:10 AM OVERVIEW

9:10 AM - 9:40 AM

Options and Selection of a Contracting Method

- Design-Bid-Build and Design Build
- CM at Risk
- Lease-Lease Back
- Revenue Generating Facilities

9:40 AM - 10:00 AM

Generally Applicable Statutes and Requirements

- Public Records Act and the Brown Act
- Code § 1090 Conflicts of Interest Under the New Sahlolbei Decision
- Prevailing Wages

10:00 AM - 10:30 AM

Procuring Consultants, Architects, Engineers, Construction Managers

- Statutory Requirements
- Steps for Selection and Contracting
- Key Terms and Recommendations

10:30 AM - 10:45 AM BREAK

10:45 AM - 11:15 AM

Preparing the Construction Contract

- Working Inventory of Statutory Requirements and Limits
- Risk Transfers, Limiting Liability and Tradeoffs
- Consequential Damages and Insurance Coverages
- New Statutes on Liquidated Damages
- Delegating and Limiting Change Order Authority

11:15 AM - 12:00 PM

Procuring the Construction Team

- Prequalification, Bidding and Award
- Required Licensing, Certifications and DIR Registration
- Prequalification Standards, Methods and Timelines
- Best Value Selections: Timeline and Methods

12:00 PM - 1:00 PM LUNCH (INCLUDED)

1:00 PM - 1:30 PM

Common Bidding Issues and Bid Protests

1:30 PM - 2:00 PM

Managing Construction Issues

- Using the Project Controls – CPM Schedule, Schedule of Values and Submittals
- Managing the Quality Issue - Inspections, Corrections and Punch Lists
- Managing Subcontractor Substitutions, Stop Notices and Payment Disputes
- Recognizing Insurable Events

2:00 PM - 2:30 PM

Managing Project Change and Emerging Claims

- Statutory Requirements for Recognizing and Pricing Changes
- The Big Three: Unforeseen Conditions, Inadequate Design, Owner Elective
- Change Order and Pricing Methods – Lump Sum, Force Account, Proceed While Pricing

2:30 PM - 2:45 PM BREAK

2:45 PM - 3:15 PM

Understanding and Drafting for Claims on Public Works Projects

- Claims Limited by Public Contracting Laws
- Claims Created by Public Contracting Laws
- Claims Precluded by Public Contracting Laws

3:15 PM - 3:45 PM

Managing Project Closeout

- Punch Lists, O&M Manuals, Warranties
- Inventory of Final Inspections and Authorities With Jurisdiction
- Project Acceptance and the Prompt Payment Statutes

3:45 PM - 4:15 PM

Managing the Disputes and Claims Process Required Under PCC § 9204

- The Statutory Timeline, Meet and Confer, and Permitted Additions
- Contract Notice Requirements
- Subcontractor Pass-Through Rights

4:15 PM - 4:30 PM QUESTIONS AND ANSWERS

This seminar will review the key issues and trade-offs at each stage of a California public works construction project. Starting with selection of a project delivery method, the seminar will move through the life cycle of a project including professional services agreements, prequalification and best value selection, key construction contract terms, limiting liability and risk transfers, labor compliance, liquidated damages, disputes, statutory claim procedures, close-out and prompt payment of retention. The seminar will cover the recently expanded scope of the California conflict of interest statutes, prevailing wage enforcement and statutory limits on indemnities and damages. Covering more than just the nuts and bolts, the seminar will provide perspectives on the most important issues that arise and how the manager strikes the right balance in the solutions chosen at each stage.

Learning Objectives: After attending this seminar, you will be able to:

- work effectively with Public Contract Code 9204, the new claim statute.
- work from a checklist to verify that construction contracts meet California Public Contract Code requirements.
- review the time-lines and trade-offs between design-bid-build, design build and CM-at-risk.
- procure professional services understanding the key statutes and key contract terms.
- review the broad scope of statutes regarding conflicts of interest, public records, limits on method and modes of contracting, and labor compliance.

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Where Is It?

January 9, 2018 • Crowne Plaza Sacramento • 5321 Date Avenue Sacramento, California • 916-338-5800

January 17, 2018 • Four Points by Sheraton San Jose Airport • 1471 N. 4th Street San Jose, California • 408-452-0200

January 24, 2018 • Red Lion Hotel Oakland • 150 Hegenberger Road Oakland, California • 510-635-5300

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Speakers:

Eric J. Firstman, Esq., Meyers Nave

- Practice Group Leader, Meyers Nave's Construction and Facilities Practice Group and Public Contracts Practice Group
- Advises clients on all aspects of planning, procurement, design, construction, administration, contract compliance, completion, closeout, dispute resolution and complex litigation on projects varying from small, general projects to large, complicated projects such as airports, hospitals and seaports
- Tried to final judgment complex construction cases in state and federal bench trials and jury trials, state bench trials, AAA Arbitrations, JAMS Arbitrations
- Charter Fellow and member of the Advisory Board of the Construction Lawyers Society of America, a Fellow of the Litigation Counsel of America, Achieved the highest rating by Martindale-Hubbell
- Listed in Northern California Super Lawyers in the Construction Litigation category (10 years)
- Can be contacted at efirstman@meyersnave.com, 213-626-2906 or 510-808-2000

Douglas M. McManamon, Esq., Meyers Nave

- Of Counsel for Meyers Nave and counsels his clients in all significant aspects of construction law and litigation
- Degree in architecture and five years of experience practicing architecture for schools and large scale commercial projects
- More than ten years of experience practicing construction law with significant experience in complex construction litigation, including payment disputes, mechanic's lien and stop notice actions, construction defect, delay and disruption claims, differing site conditions, and insurance recovery
- Complex trial experience includes hospital design error and omission
- Regularly counsels public entities on all aspects of project design, construction administration and claims
- Selected as a Northern California "Rising Star" in area of Construction Litigation by Super Lawyers
- J.D. degree from University of San Francisco School of Law, cum laude; B.S. degree from the University of Virginia, architectural design
- Can be contacted at dmcmamanon@meyersnave.com or 510-808-2000

How Do I Register?

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Who Will Be There?

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