

## REDUCING RISKS OF DIFFERING SITE CONDITIONS

Construction projects commonly involve unexpected subsurface conditions, which can result in substantial cost increases and delays. The financial responsibility for these risks are allocated under a complex set of contractual provisions, industry practices and legal principles.

Project owners, consultants and contractors can reduce the uncertainty of these financial risks through improved practices involving:

- Improved use of geotech information in bid documents*
- Better understanding of contract and legal principles*
- Practical application of construction management practices to address issues*
- Improved negotiation and dispute resolution techniques*

### Claims in a Troubled Economy

Construction projects can expect to have an increased level of issues, disputes and claims as a result of a tighter bidding environment in this troubled economy. This program will enable project owners and their advisors to respond more effectively to an increased level of change orders and claims.

## PRESENTERS

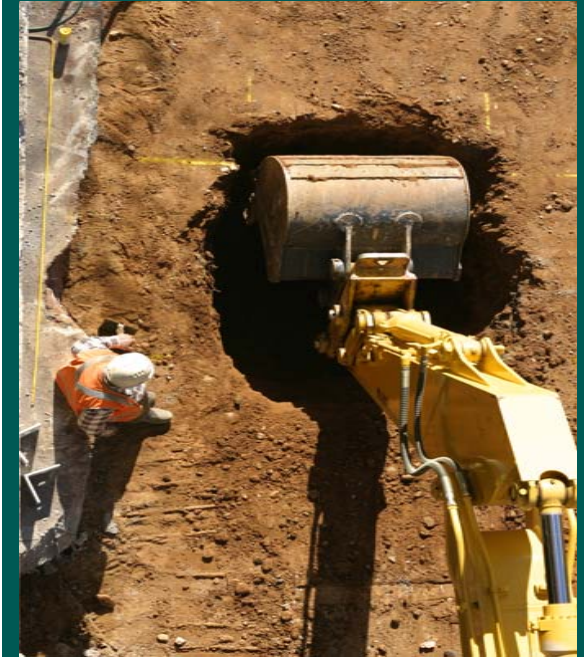
**Ron Leaders, Program Chair**, an engineer, lawyer and principal in Contract Solutions Group, emphasizes the use of innovative contracts and dispute avoidance/resolution techniques in his practice, encouraging clients to use equitable project risk allocation, improved contract documentation and more effective contract administration to reduce project cost growth and avoid claims. He has performed Bid Document QA and Claim Avoidance reviews as part of expanded constructability reviews. Ron's involvement as an attorney or arbitrator in more than 40 construction arbitrations involving claims in excess of \$60 million provides insights to anticipate and identify potential claims in bid documents.

**Peter De Boldt, P.E.** is Director of Design for Pertect, Inc., a regional professional engineering and consulting firm which provides design and construction management services for transportation and infrastructure projects. Peter's diverse project experience includes arterial and highway design, transit systems, traffic analysis, pavement design, signal systems, channelization plans, cost estimates, construction sequencing, project management and construction management. Peter has been actively involved implementing various techniques to improve projects through early constructability reviews during the design phase, and then following up with implementation during construction management.

**Mike Roberts, P.E., CCM** is a project manager with KBA Construction Management and has nearly 20 years experience providing a pragmatic, results-oriented approach to managing large and small projects. His responsibilities have included preparing and negotiating change orders, resolving claims and preparing progress pay estimates with contractors. Mike recently managed the redevelopment of Seattle DOT's Construction Administration Manual.

**REGISTER BY JULY 8<sup>TH</sup>  
FOR EARLY BIRD SAVINGS!**

# Reducing the Risks of DIFFERING SITE CONDITIONS



Wednesday, July 22, 2009  
Washington State  
Convention & Trade Center  
Downtown Seattle, WA



Program Co-Sponsored By:



**DATE:** Wednesday, July 22, 2009

**TIME:** 8:30am to 5:00pm

**COST:** *Early Bird Savings!*

*Registration Received Before: July 8th*

\$ 199.00 Government Entity: *First person;*

\$ 189.00 *each additional Gov't Entity person*

\$ 259.00 Private Firm: *Each Person*

*After July 8th, Add \$20.00 Per Person*

**LOCATION:**

Washington State Convention & Trade Center

Meeting Room #2AB (Level 2)

800 Convention Place

Seattle, WA 98101

(206) 694-5000 /

[www.wsctc.com](http://www.wsctc.com)

**WHO SHOULD ATTEND?**

Public Works Professionals

Private Project Owners / Developers

Contractors / Subcontractors

Attorneys

Risk Managers / Financial Officials

Public Utilities

Design Professionals

**CREDITS:** This program is pending approval by the Washington State Bar for **6.25** General CLE credits; and meets requirements for continuing education for Engineers and Architects. Certified Construction Managers will earn **1** point towards CMCI recertification.

**COURSE MATERIALS:**

Each participant will receive a set of materials, prepared by the presenters especially for this workshop which will be invaluable as a future reference.

**WHY ATTEND?**

Project owners and their advisors need to be prepared to respond effectively to increased project risks and claims which will arise as a result of the troubled economy. Differing site conditions (changed conditions) issues are common sources of disputes and claims and this program will help reduce risks and cost overruns stemming from them.

**INTERACTIVE WORKSHOP AND Q & A**

Highly qualified contracts, design, construction and claims resolution professionals will provide insights and practical tips on improving your practices to avoid and manage cost growth from differing site conditions. Learn how to improve your bid documents and construction administration practices related to differing site conditions. Bring your questions for discussions with our panel and your colleagues.

**WORKSHOP SCHEDULE**

**8:30 Analysis of Differing Site Conditions (Changed Conditions) Clauses**

- Risk allocation goals
- Key terms and concepts
- WSDOT, AIA, EJCDC and CMAA clause comparisons

**9:00 Planning and Design Phase Considerations**

- Deciding how much geotech investigation should be done
- How to best include project geotech info in bid documents
- What to do with geotech information from adjacent project locations

**10:15 Break**

**10:30 Planning and Design Phase Considerations (continued)**

- How effective are disclaimers and exculpatory clauses in evaluating DSC issues
- Does excavation payment method affect DSC claim exposure?
- Case Study - Minimizing DSC risks during design

**11:45 Lunch (on your own)**

**1:00 Evaluating DSC Change Orders and Claims**

- Applying pre-bid site inspection obligations in DSC claims
- What constitutes a Contract Document when resolving DSC claims?
- Interpreting what do "Contract Documents indicate"
- Evaluating claims based on implied indications, in the absence of express statements
- Case Study: Minimizing DSC risks during construction

**3:00 Break**

**3:15 DSC Damages and Owner Defenses**

- Did Contractor reasonably rely on bid documents
- Were actual conditions reasonably unforeseeable
- Contractor inefficiencies contributing to cost overruns
- Case Study: Contractor encounters unexpected physical conditions

**4:30 Questions and Answers with Panel**

**REGISTER BY JULY 8<sup>TH</sup> FOR EARLY BIRD SAVINGS!**

**REGISTRATION** Please copy and complete this page for each person attending from your agency/firm.

Agency/Firm Name: \_\_\_\_\_ Name of Attendee: \_\_\_\_\_

Attendee Title: \_\_\_\_\_ Attendee Phone: \_\_\_\_\_

Attendee Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Agency/Firm Contact Person (if different) \_\_\_\_\_

Contact Email: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

**Forward completed form(s) via fax or mail to:**

CONTRACT SOLUTIONS GROUP

PO Box 775

Vashon Island, WA 98070

Phone: (206) 463-7487

Fax: (206) 463-7488

*Registration confirmed by Email to each attendee. Registration closed 2 business days prior to program. **Cancellation and Refund Policy:** All cancellations must be received 2 days prior to the seminar and are subject to a \$50 administrative fee.*

**Need More Info?**

Contact Jeri Jennings by phone (206) 463-7487 or Email at: [jjennings@contractsolutionsgroup.com](mailto:jjennings@contractsolutionsgroup.com)

**PAYMENT METHOD:**

- WCIA Member Entity: *First Attendee, No Payment Limited to first 25 WCIA member entities to register*
- VISA/MC/AMEX for \$ \_\_\_\_\_  
Card # \_\_\_\_\_ Exp \_\_\_/\_\_\_  
Name on Card \_\_\_\_\_  
Authorized Signature \_\_\_\_\_
- Check Enclosed, Payable to: *Contract Solutions Group*
- Check To Follow, Expected Payment Date: \_\_\_\_\_
- Bill Me (provide PO # if required): \_\_\_\_\_

