

Construction Contracting

The Business of Building for the Government

Construction contracting in government is challenging for all concerned. It's an uphill battle all the way; heavy competition for construction contracts leads to tight pricing that allows little room for accommodating changes, despite the fact that changes are inevitable. Plus, most construction contracts involve numerous players whose various interests and problems further complicate the process.

Construction contracts are therefore subject to a variety of legal requirements that govern the rights and responsibilities of the parties. Federal law, in particular the FAR, governs many facets of the process, in addition to state and local ordinances, regulations and common law decisions that may apply.

This course prepares you for the complexities of government construction contracting, whether you're a contractor, an owner, a government agency representative or are otherwise involved.

In five information-packed days, you'll gain an understanding of the entire contracting process, so you'll be able to deal effectively with all parties involved. You'll get a solid grounding in the laws and requirements that govern the award of construction contracts, including bid protests.

Because contract changes are probable, if not inevitable, and disputes are always possible, this course covers your rights and responsibilities and offers remedies in these matters. You'll learn how the specific language of the contract invokes consequences that can have a tremendous impact on you—consequences you must be aware of *before* you commit to the contract terms.

Course Topics

- 1. Construction Contracting Process**
 - a. Authority for contracting
 - b. Authority of an owner's agents
 - c. Applicable laws
- 2. Getting to Contract Award**
 - a. Solicitation preparation
 - b. Negotiated procurement
 - c. Evaluation and award
- 3. Bonds**
 - a. Bonds (FAR Part 48)
 - b. Miller Act bonds
 - c. Performance and payment bonds
- 4. Award Controversies and Bid Protests**
 - a. Bid protests
 - b. Protest pitfalls and remedies
- 5. Contract Interpretation and Risk Allocation**
 - a. Rules and ambiguities
 - b. Government warranties
 - c. Contractor guarantees
- 6. Changes and Modifications**
 - a. Owner-ordered changes
 - b. Contractor-initiated changes
- 7. Differing Site Conditions**
 - a. Legal principles
 - b. Risk-shifting clauses
 - c. Type I and Type II conditions
- 8. Delays, Suspension of Work and Acceleration**
 - a. Excusable and compensable delays
 - b. Impact and acceleration
- 9. Cost Recovery and Major Pricing Elements**
 - a. Proof of adjustment
 - b. Eichleay, overhead and profit
- 10. Inspection, Acceptance and Warranties**
- 11. Termination and Remedies**
 - a. Prerequisites for default
- 12. Payment and Discharge**
 - a. Progress payments and cost reimbursement
 - b. Owner's right to withhold
- 13. The Disputes Process**
 - a. Statutory requirements
 - b. Claims
- 14. Subcontracts**
 - a. Contract formation
 - b. Performance disputes
- 15. Contract Closeout and Record Keeping**

Learn how to:

- Manage the construction contracting process from project planning to post-project closeout
- Calculate, prove and recover additional costs
- Present and defend against claims
- Comply with federal and state statutes and requirements
- Perform quality assurance of support

PDUs: 28.0

CEUs: 2.8

CPE credits: 33



Public and on-site delivery available under GS-02F-0058P.