



## Manage Your Construction Contracts

OSBA Bonds, Ballots and Buildings Conference  
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### Presenters:

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**Stephen Wasserberger – Senior Project Manager, DAY CPM**

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# ■ Topics

- Your Bond Team
- Procurement
- Contracts
- New State Laws
- Project Management
- Close-Out



# ■ Your Bond Team

- Bond Manager
- Architect
- Owner's Representative
- Legal Counsel
- General Contractor (If CM/GC)



# ■ Your Bond Team

- Architect Sub-Consultants
  - Engineers
  - Landscape Architects
  - Cost Consultant
  - Acoustic Consultant
  - Building Envelope
- Owner Sub-Consultants
  - Land Surveyors
  - Geotechnical Engineer
  - Land Use/Planning
  - Specialty Consultants



# ■ Procurement

- Process
  - Follow Attorney General Model Rules
  - Review Contracting Rules
  - Procurement Challenges
    - Schedule/Time Constraints
    - Addendums
    - Protest



# ■ Procurement

- Procurement Methods
  - Traditional ITB (design/bid/build)
    - Influences
  - CM/GC
    - Influences
  - Other Methods
- Nature of Project
  - Scope, Budget, Schedule
- Decision Points
  - Weighing the Options



# ■ Procurement

- Alternative Methods
  - Sole Source
  - Emergency Contract
  - Cooperative Agreements



# ■ Contracts

- Contract Form
  - Proprietary
  - State Contracts
  - AIA Contracts
- Contract Terms
  - Scope
  - Price
  - Schedule/Time
  - Warranty





# ■ Contracts

- Risk Mitigation
  - Liquidated Damages
  - Arbitration v. Litigation



# ■ Contracts

- Insurance
  - DCIP/OCIP v. Orthodox
  - General Liability
  - Builder's Risk



# ■ New State Laws

- Corporate Activity Tax (CAT)
- Retainage Escrow Account



# ■ Project Management

- Contract Management
- Conflicts During Construction
- Retainage



# ■ Close Out

- Process
  - O&M Manual
  - Training
  - Commissioning
  - Archive
    - Records
    - Dos and Don'ts
      - Watch Your Emails
- Resolution of Claims





# ■ Bios & Contact Information

- **Chris Walters** is a partner with Ball Janik LLP in Portland. He has assisted school districts and public agencies in a wide variety of matters. Mr. Walters served on the panel that authored the State of Oregon's model rules for alternative contracting methods, and co-authored the Oregon School Construction Contract Manual for Oregon School Board Association. He has received an AV<sup>®</sup> Preeminent<sup>™</sup> Rating from the Martindale-Hubbell National Legal Registry.  
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- **Rob Wilkinson** is a partner with Ball Janik LLP in Portland. Mr. Wilkinson is a trial attorney with a broad practice in construction law, and extensive experience handling construction disputes, including construction defect and property damage claims. Mr. Wilkinson has co-authored the Oregon School Construction Contract Manual for Oregon School Board Association.  
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- **Wes Rogers** is currently the Bond Program Manager for the Oregon City School District's 2018 Bond Program. Mr. Rogers has held several roles with OCSD during his 35 year tenure, including Chief Financial Officer and Director of Operations.  
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- **Stephen Wasserberger** is a Senior Project Manager with DAY CPM. He provides bond and project management services as the Owner's Representative. Prior to his current role he owned and managed an architectural firm for over 25 years.  
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