

THE OSGOODE CERTIFICATE IN CONTRACT MANAGEMENT FOR CONSTRUCTION AND INFRASTRUCTURE PROJECTS

May 14 - 17, 2018 • In Person

Designed
for Contract
Managers

Learn the essentials of lifecycle risk and performance management, including:

- Identifying potential risks, and how to control them in maximally cost-effective ways
- Alignment and governance of the internal legal, commercial, procurement, technical and administration teams: getting everyone onto the same page
- How to evaluate contract performance
- Strategies for any changes to the contract including amendments and changes in circumstances
- How to monitor implementation of the contract and remedy performance issues

Register today at:

osgoodepd.ca/contract

Program Directors

Andrew Wong
Osler Hoskin & Harcourt LLP

Nick Boutselis
Global Compliance
Strategy and Construction
Royal Bank of Canada

Location

Pantages Hotel Toronto
200 Victoria St
Toronto, ON M5B 1V8



Senior legal and industry experts will provide:

- A comprehensive survey of all the pre-contract considerations that affect contract management – what you need to look out for
- An in-depth examination of the contract management phase with an emphasis on avoiding pitfalls and optimizing implementation
- Practical tools you need to deal with changes to work, delay and other contract management issues
- Real-world tips and strategies on how to improve and strengthen your communication, negotiation and time management skills
- Proven best practices in contract management governance that can be readily implemented

Who Should Attend?

- Contract/Project Managers
- Directors/Managers, Contract and Legal Services
- Contract Analysts/Specialists
- Contract Registration Coordinators
- Contract Administrators

Register today at:

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The Osgoode Certificate in Contract Management for Construction and Infrastructure Projects

Signing the contract is not the end, it's the beginning. Once you or your organization have entered into a contract and put the management building blocks in place, you need to ensure that you are properly equipped to manage its implementation and handle all of the problems that may come up during its lifecycle.

In this OsgoodePD certificate, you will gain valuable insights from legal and contract management experts. You'll learn how to assess and manage risk and obtain practical tips for minimizing risk and maximizing performance. You will gain substantive knowledge and get the hands-on skills you need to execute an efficient, and cost-effective contract management process.

This one-of-a-kind intensive, four-day certificate, will give you the tips and strategies you need to address some of the most challenging and complex situations that can negatively impact your contract management process. There will be ample opportunity for discussion of practical issues.

Space is strictly capped to ensure an optimal learning environment. Register now to secure your spot.

“Great overview with a lot of depth on the legal, contract, insurance and management aspects of large projects.”

Iman Hashemi
Sr. Operations Manager, Lakeview WTP
Ontario Clean Water Agency

“Improved my knowledge of the responsibility of a Project Manager.”

Monica Yarde
Director, Yarde Architecture
and Design Inc.

Drawing on the expertise of leading lawyers and contract managers, including:

Program Directors



Andrew Wong
Osler Hoskin & Harcourt LLP



Nick Boutselis
Global Compliance,
Strategy & Construction,
Royal Bank of Canada

Program Faculty

Nick Boutselis
Global Compliance,
Strategy and Construction,
Royal Bank of Canada

Carly Fidler
Osler Hoskin & Harcourt LLP

Yonni Fushman
Executive Vice President
& Chief Legal Officer,
Aecon Group Inc.

Joel Heard
Osler Hoskin & Harcourt LLP

Manoj Kurup
Program Manager,
Royal Bank of Canada

Wendy Law
Deputy City Solicitor,
Municipal Law,
City of Mississauga

Michael Marano
Sourcing Director, JLL

Louise Panneton
President, P1 Consulting Inc.

Adam Peacey
Senior Program Manager,
Corporate Real Estate,
Royal Bank of Canada

Rory Roberts
Founder and Chairman,
INTECH Risk Management Inc.

Rocco Sebastiano
Osler Hoskin & Harcourt LLP

Jennifer Tuer
Senior Legal Counsel,
Bruce Power

Andrew Wong
Osler Hoskin & Harcourt LLP

“Great speakers, discussions and practical insights from owner and contractor perspectives.”

Allison Perlman
Legal Counsel, EllisDon Corporation

Agenda

DAY 1

Monday, May 14, 2018

9:00 a.m. – 4:45 p.m.

Putting the Contract in Place

An overview of key issues affecting contract management from the earliest stages:

Risk Management

- Pre-contractual identification of risk in the design, construction and operation/maintenance of the project
- Making efficient use of a Risk Register to quantify risk and properly allocate risk to the appropriate project participant
- Understanding how risk allocation choices impact price, time, quality and control
- Recognizing how the allocation of risk should be reflected in how the contract is drafted

Project Delivery System and Contract

- Types of project delivery systems
- Ensuring the project delivery system and contract are consistent with the allocation of risk
- The various standard form contracts for use with each project delivery system
- Owner-prepared forms of contract
- Recognizing the different roles of the participants depending on the terms and conditions of the contract

Procurement

- RFP versus Call for Tenders
- Owner and contract obligations

The Contract

Comprehensive review of the key legal and commercial provisions:

- Contract price and time
- Scope of work
- Incentives
- Self-help remedies
- Security

- Insurance
- Delays
- Unknown conditions
- Indemnity
- Dispute resolution
- Termination rights
- Limit of liability

Contract Administration and Management

A closer look at some of the most problematic areas of contract administration and management:

- Changes in the work
- Payment certification
- Reports dealing with cost
- Schedule and performance
- Claims
- Procedure for testing and commissioning
- Certification of substantial performance and total completion including contract close-out
- Contract governance
- Master service agreements and purchase orders

Nuts & Bolts – RFP Evaluation Process

- How to effectively evaluate proposals
- Owner obligations arising from procurements
- Internal procurement policy
- Bid prices exceed budget - what can the owner do?

Faculty

Yonni Fushman, Executive Vice President & Chief Legal Officer, Aecon Group Inc.

Wendy Law, Deputy City Solicitor, Municipal Law, City of Mississauga

Louise Panneton, President, P1 Consulting Inc.

Rocco Sebastiano, Osler Hoskin & Harcourt LLP

Andrew Wong, Osler Hoskin & Harcourt LLP

DAY 2

Tuesday, May 15, 2018

9:00 a.m. – 4:00 p.m.

Contract Management (Part I)

Negotiation and Communication – Strategies and Best Practices

- Commercial contract strategy
- Relationship building and management
- Identifying all legal, commercial and technical issues
- Internal risk review process and senior management approval, and signing of contract

Contract Kick-Off Meeting

- Introductions
- Documents submitted by Contractor prior to the start of work
- Overview of forms and the process for contract management and administration

Master Service Agreements, Internal Owner Playbook and Scorecards

- Use of a master service agreement: why?
- Internal owner playbook: summary of key contract provisions regarding legal, commercial and technical issues
- Scorecards: incentives and performance evaluations

Reports and Performance Matters

Reports:

- Cost
- Schedule
- Performance

Defects:

Performance:

- Earned value
- Planned value
- Service levels

Faculty

Nick Boutselis, Global Compliance, Strategy and Construction, Royal Bank of Canada

Michael Marano, Sourcing Director, JLL

Jennifer Tuer, Senior Legal Counsel,
Bruce Power

DAY 3

Wednesday, May 16, 2018
9:00 a.m. to 4:15 p.m.
Contract Management (Part II)

Insurance

How the following types of insurance can benefit your process in unexpected ways, including:

- Liability
- Property
- Auto
- Professional liability
- Equipment
- Pollution (when and where)
- Sub-guard (form of subcontractor insurance)
- Intellectual property
- Business loss, start-up insurance

Contractor versus owner insurance will also be discussed.

Contract Governance and Client Management

- Oversight of the contract and performance of the work
- Committees - project managers, executives, senior executives
- Process for meetings - how often, where, etc.
- Matters to be considered and dealt with by the committees
- Reports submitted to the committees
- Overall client management discussions

Claims

- Strategies for how to manage and negotiate claims including how to determine any available remedies
- Limitation periods
- Notice of Claim: notice period and content
- The use of dispute resolution: negotiation, mediation, arbitration and the court

Commercial Commitment

Recognizing the importance of the commercial commitment process and how to avoid an over budget scenario at the tail end of your projects.

Faculty

Nick Boutselis, Global Compliance, Strategy and Construction, Royal Bank of Canada

Carly Fidler, Osler Hoskin & Harcourt LLP

Manoj Kurup, Program Manager, Royal Bank of Canada

Rory Roberts, Founder and Chairman,
INTECH Risk Management Inc.

Andrew Wong, Osler Hoskin & Harcourt LLP

DAY 4

Thursday, May 17, 2018,
9:00 a.m. – 4:15 p.m.
Contract Management (Part III)

Morning Workshop - Contract Review

By the morning of Day 4, you'll be ready to go through a series of contracts in order to address the most effective strategies for administering each one.

You will hear from several experienced contract managers as they guide you through common, unexpected, and highly complex issues to equip you with the knowledge you need to handle each type.

Changes in the Work

Handlings requests for change order:

- Delays
- Unknown conditions and other changes in the work

Reviewing the change order process:

- Change order vs. change directive
- Compensation and mark-up

Tests and Commissioning / Quality Control and Assurance

- Inspections - tests, mechanical completion and commissioning
- Reports and certificates

Substantial Performance, Total Completion, Scorecards and Post Completion

- Substantial performance, "supporting" documents and deficiency holdbacks
- Total completion - certification and close-out documents
- Post-completion - warranty items

Faculty

Nick Boutselis, Global Compliance, Strategy and Construction, Royal Bank of Canada

Joel Heard, Osler Hoskin & Harcourt LLP

Adam Peacey, Senior Program Manager,
Corporate Real Estate, Royal Bank of Canada

Andrew Wong, Osler Hoskin & Harcourt LLP

Need more CPD hours?

If you are a lawyer or paralegal and still need to fulfill your annual CPD requirement for professionalism hours after taking this program, you will receive complimentary access to one of OsgoodePD's on-demand webinars accredited for CPD professionalism content. Full details will be provided at the start of the program.

Registration Details

Fee per Delegate

\$2,995 plus HST

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Please inquire about financial assistance.

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days' notice, a \$150 administration fee will apply. No other refund is available.

For Further Program-Related Information please contact:

Stéphane McRoberts, Program Lawyer at 416.619.4351
or email smcroberts@osgoode.yorku.ca

Space in this program is strictly limited to ensure individualized attention from our faculty.

Secure your place in this first-of-its-kind program by registering now.

Certificate of Program Completion

You will receive a certificate upon completion of **The Osgoode Certificate in Contract Management for Construction and Infrastructure Projects**.

Participants must attend all program days and pass the post-program multiple choice assessment to receive the Certificate.

4 Convenient Ways to Register



Mail



Online



Fax



Call

Register today at:

osgoodepd.ca/contract



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the Law Society of Ontario.

Eligible CPD Hours - LSO: 26h 15m CPD Hours (25h 15m Substantive, 1h Professionalism)



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