



How to Get Paid, Close Out Contracts, and Avoid Liquidated Damages

Associated Builders and Contractors (ABC) Minnesota/North Dakota Chapter Webinar
03.02.2023 | 12:00 Noon (CT)

Event Sponsor: Associated Builders and Contractors (ABC) Minnesota/North Dakota Chapter

ABC of Minnesota and North Dakota is pleased to present this 90-minute seminar regarding getting paid for Change Order Requests and Claims, Closing Out Contracts in order to be paid in full and on-time, collecting Retainage, defeating Backcharges, Defending against Liquidated Damage Claims, and moving onto the next project.

Who should attend:

Project Managers, Project Executives, Presidents, and CFOs/Controllers

What will be covered:

- Creating Bid Terms and Conditions.
- During the project, learn how a contractor gets paid for and obtain time extensions for extra work, delays, and interferences.
- What are the four ways to amend a construction contract and why are these four ways important?
 - Change Order.
 - Claims.
 - Construction Change Directive/Work Directive.
 - Force Account.
- What is the Number One thing that contractors forget to do when signing Change Orders?
- At the end of the project, the Project Owner includes adds and deducts to a Final Change Order with a blizzard of backcharges and finally processes Change Order Requests.
 - Learn how to deal with the agreed upon adds without having undisputed funds held hostage with disputed backcharges.
- Liquidated damages are imposed at the end of the project.
 - Learn about the four primary defenses to a liquidated damages claim so that the Project Owner cannot charge your company for delays.
 - If a contractor agrees that it is late, but does not want liquidated damages against its record, learn how can the liquidated damages be handled with a Close Out Change Order.
- Statutory remedy for Prompt Payment.

- Contractor must submit an invoice to the Public Owner even if the Public Owner's Architect or Engineer refuses to prepare a Pay Application.
- How to defend against the Project Owner's warranty and defective work claims as excuses to non-payment.
- Four case studies – learn from someone else's problems.
 - Aaron Dean handled these four cases through trial.
 - Jury Trial. General Contractor defeats \$3.0+ Million performance bond claim on a public construction project and recovers approximate \$400,000 Contract Balance.
 - AAA Arbitration. General Contractor recovers \$1.5 Million and defeats Project Owner's \$15+ Million claim.
 - Jury Trial. General Contractor defeats a threatened termination on a public construction contract and recovers \$1.40 Million.
 - AAA Arbitration. Subcontractor defeats General Contractor's \$1.50 Million Counterclaim, recovers \$370,000 of legal fees, \$200,000 of prompt payment interest, \$729,000 Contract Balance, and damages on other claims.

Attorneys

Aaron A. Dean

Practice Areas

Construction Law

