



2021 COAA-TX SPRING WORKSHOP

APRIL 8

9:00 AM - 12:00 PM CT

COAA[®]
Texas Chapter

AGENDA

- 9:00 AM - 9:10 AM CT **WELCOME | INTRODUCTIONS | OPENING REMARKS**
- 9:10 AM - 9:25 AM CT **SPEED NETWORKING BREAK**
- 9:25 AM - 10:25 AM CT **SESSION ONE**
Negotiation Strategies to Find the Win Win!
- 10:25 AM - 10:35 AM CT **BREAK | SPONSOR THANKS**
- 10:35 AM - 11:35 AM CT **SESSION TWO**
Contract Deep Dive: What's Important to You in a Contract?
What Are Your Associated Risks?
- 11:35 AM - 11:45 AM CT **BREAK | DRAWING/RAFFLE**
- 11:45 AM - 12:00 PM CT **OPEN PANEL DISCUSSION / Q&A
CLOSING REMARKS & THANKS**

EVENT SUMMARY

Contracts are crucial components of the construction process, but they can be among the most complicated and controversial aspects as well. As the industry shifts to increasingly collaborative project delivery methods and adopts new (or alternative) contracting vehicles and technologies, project team members need to stay up to date on the how the legal landscape is evolving. Join us as we explore keys to understanding contract pain points, including successful contract negotiation strategies, as well as deeper-dive into insurability issues, and risk management.

WELCOME | INTRODUCTIONS | HOUSEKEEPING

**Presented by: Leonard Lacombe, Principal Facility Project Manager, UTHealth
President, COAA Texas**

SESSION ONE | NEGOTIATION STRATEGIES TO FIND THE WIN WIN!

From a legal perspective, construction is a high risk business. There are many players, with varying capabilities, complex work flows, and countless contingencies, all of which can affect a project's success, financial and otherwise. These factors, when combined, very often give rise to claims, even on what appear to be successful projects. Although project-related disputes are common, they are not necessarily irresolvable. In this discussion, panelists from a variety of backgrounds will share their experiences in getting into disputes, but, more importantly, will provide insight on how they've successfully gotten out of them.

Presented by:



TOM BAYER
Principal
HOK



ERIC GROAT
Operations Manager
Robins & Morton



JOSHUA DELEON
Assistant Managing Director
Texas Tech University



MATTHEW RECHTIEN
Principal
Walter P. Moore

Thomas Bayer, AIA, NCARB, LEED GA

With more than 28 years of professional experience, Thomas has a comprehensive background in the development of complex aviation, urban corporate, commercial and institutional projects which include program development, project budgeting, schedule development and adherence, design and execution of construction. Thomas believes that forming and fostering successful relationships with project stakeholders is essential for successful collaboration and development of all phases during a project.

As a member of HOK's Technical Board, Thomas has had the opportunity to work on the development of domestic and international delivery standards and protocols, technology initiatives, the implementation of new project delivery models, and rigorous quality assurance methods; all of which allow for more efficient and effective HOK project development. He has spent much of his professional career focusing on mentorship of young professionals preparing for licensure and professional practice. He has served on the Houston ACE Mentor Program Board of Directors since 2016, and as an adjunct professor for exterior enclosure design and advanced construction technology courses at Texas Tech University.

Joshua DeLeon is the Assistant Managing Director of Strategic Acquisition and Contract Administration for Texas Tech University. Josh oversees the Strategic Acquisition and Contract Administration teams in the Office of Procurement Services. He is responsible for the functions of these offices for both Texas Tech University and the Texas Tech University System. Josh joined the Office of Procurement Services in 2015. Josh holds a Bachelor of Business Administration degree in Management from Texas Tech University and he received his Certified Texas Contract Manager and Certified Texas Contract Developer certificate from the State of Texas.

Eric Groat is an Operations Manager with Robins & Morton and leads the company's San Antonio office. He has more than 20 years of experience managing complex construction, with the majority of his career focusing almost exclusively on healthcare construction projects up to \$275 million. Eric is uniquely skilled in bringing maximum value to clients, focusing on improving quality and eliminating inefficiencies during planning, design and construction. He is an advocate of Lean construction principles as well as integrated project delivery practices.

Matthew Rehtien is a Principal and the General Counsel of Walter P Moore. He has 14 years of law firm and in-house legal experience, focusing on construction law, commercial and insurance litigation, and municipal law. A structural engineer-turned-attorney, Matthew began his career as a consulting structural engineer at Walter P Moore, before happily returning to the firm in his new capacity. A licensed Professional Engineer, Matthew earned his Bachelor of Science in Civil Engineering from the University of Michigan, his Master of Science in Civil Engineering from the University of Texas, and his Juris Doctor degree with high honors in law from the University of Washington. He is a past president of the Structural Engineers Association of Michigan and has published a number of articles and is a frequent speaker on topics related to construction and engineering law. Matthew has approached construction projects and contracting from many different perspectives, having worked for and now representing a design professional firm, having been in house at and representing an owner, the City of Ann Arbor, and having represented contractors, lenders, insurers and subcontractors in private practice.

SESSION TWO | CONTRACT DEEP DIVE: WHAT'S IMPORTANT TO YOU IN A CONTRACT? WHAT ARE YOUR ASSOCIATED RISKS?

Construction contracts bring together diverse entities: design professionals, owners, contractors, suppliers, and sometimes insurers and lenders. Each has its own concerns, interests and priorities. This discussion will feature panelists from an owner, a contractor and an architect who will share what matters most to them in contracting, their "deal breakers," and the risks that "keep them up at night."

Presented by:



CRISTOPHER FARRAR
Partner
Bradley



GREG HOUSTON
Partner
MarmonMok Architecture



DANNY THOMPSON
Construction Director
Vaughn Construction



JIM WATERS
Facilities Project Contract
& Control Services
MD Anderson Cancer Center



MATTHEW REHTIEN
Principal
Walter P. Moore

Cristopher Farrar graduated from Texas A&M University with a Bachelor of Business Administration, then graduated from Baylor University School of Law. He focuses his practice on risk allocation in the drafting and negotiation of construction, engineering and architectural agreements, as well as project development transactions. Cristopher represents clients in a wide range of sophisticated and complex project development matters related to power projects, oil and gas facilities, commercial, energy, manufacturing, pipeline, offshore, and infrastructure. He has extensive experience managing major matters involving capital improvements and large asset-based transactions ranging from \$5 million to more than \$8 billion throughout the US, South America, Middle East, Europe and Africa. Having served as in-house counsel previously, Cristopher is a trusted advisor and consultant on the development of construction projects by leading clients through the development stages and negotiation of project-related

documents. He has drafted and negotiated numerous bespoke agreements, including unique contractual agreements and EPC related transactions, as well as FIDIC, AIA, ConsensusDocs and other common industry forms. Each project has risk in schedule, technology, cost, volatility, markets, shareholders, and safety and health. Cristopher works closely with clients to identify and mitigate those risks and resolve any disputes efficiently and effectively.

Greg Houston is an architect and senior Partner at Marmon Mok Architecture based in San Antonio. He has over 35 years of experience in architecture designing work in higher education, secondary education, athletics, recreation, public assembly, and financial services for universities, municipalities, private corporations and non-profit organizations. He is also a member of the American Institute of Architects, Texas Society of Architects and the

2021 SPRING WORKSHOP

AIA San Antonio Chapter and is on the Board of Directors of the San Antonio Sports Foundation.

Greg holds a Master of Architecture degree and Bachelor of Environmental Design degree from Texas A&M University. In 2020, the Texas A&M College of Architecture selected Greg as an Outstanding Alumni for outstanding achievement as a distinguished leader in the practice of architecture and in the community.

Danny Thompson, Construction Director for Vaughn Construction, has broad project management experience in municipal, healthcare, education and life-sciences arenas. He began his career working for large trade contractor as an electrician's apprentice and has hands-on electrical, plumbing, and carpentry skills. Mr. Thompson has led some of the firms' largest and highest profile projects, which helped define the fabric of downtown Houston and significantly reshaped the skyline of the Texas Medical Center. He is responsible for work programs in several regions in Texas.

James Waters, J.D., P.E. is the director of Facilities Project Contract and Control Services group within the Facilities Planning, Design and Construction department within the Facilities Management division at The University of Texas MD Anderson Cancer Center. He has been with MD Anderson since 2002. Prior to joining MD Anderson, Jim worked as a design engineer, both as an owner and a consultant, and as an engineering, procurement and construction contract administrator in the electric utility, chemical, and petrochemical industries.

Jim earned his doctor of jurisprudence from South Texas College of Law and is licensed to practice law in Texas. He also holds a bachelor of science degree with a major in electrical engineering from Valparaiso University and is a Texas registered professional engineer.

SESSION THREE | OPEN PANEL DISCUSSION / Q&A SESSION

Presented by: All Presenters

CLOSING REMARKS & THANKS

*Presented by: Ginger Smith, Senior Facilities Construction Project Manager, UTHealth
Vice President, COAA Texas*

ANNUAL SPONSORS

PLATINUM

GRAVELY
Attorneys & Counselors



GOLD



SILVER



HUITT-ZOLLARS

BRONZE



LINBECK

