

9th Contract and Risk Management for Construction and Capital Projects

Forming Cohesion amongst All Stakeholders to Mitigate Risk and Maximize Project Success

January 15-16, 2020

The Magnolia Hotel | Houston, TX

[More Registration Details. Click Here!](#)

Pre-Conference Workshop: January 14, 2020

Workshop: Lessons Unlearned: Challenges to Mitigating Schedule and Cost Risk in Construction with **Motiva Enterprises, The Rhodes Group, and Bradley**

Attending This Premier Conference Will Enable You To

- **Strengthen** legal and commercial teams to ensure project success with **Duke Energy, Clough USA, Acteon Group LTD, Freeport LNG, and The Enel Group**
- **Prepare** for advances in technology and digitization to uncover potential risks with **Clough USA**
- **Compare** and **Contrast** various contract delivery methods to determine the best option per project with **SNC-Lavalin, IHI, and Kiewit corporation**
- **Explore** both sides of a contract negotiation to uncover best tactics and practices with **Dow Chemical, Turner industries, and Acteon Group LTD**
- **Contract** to assure FCPA / UK Border Agency compliance by requiring ISO 37001 Anti-bribery management systems certification with **Black & Veatch Corporation**
- **Dive** into insurance clauses and language to improve knowledge of coverage and mitigate disputes with **Baker Hughes - a GE Company, MYR Group, and Bilfinger North America Inc.**
- **Minimize** disputes during contract formation to ensure a successful project and partnership with **Worley**

Who Should Attend

marcus evans invites Senior Executives and Counsel from Construction and Heavy Industry (Oil & Gas, Refining, Pipelines, LNG, Power, Utilities, Renewables, Mining, etc.) with job responsibilities and titles within:

- General Counsel / Associate Counsel / Senior Counsel
- Contract Management / Drafting/Negotiation
- Risk Management / Insurance Management
- Commercial / Capital Projects
- Procurement / Supply Chain / Sourcing

Platinum Sponsors



Bradley
Bradley Arant Boult Cummings LLP

The Rhodes Group
EXPERIENCE. INTEGRITY. PERSPECTIVE.

Panel Partner:

Pepper Hamilton LLP
Attorneys at Law

EARN UP TO 16 HOURS OF CLE CREDITS!



Assemble the Contracts, Contractors, and Counsel that **Maximize Construction and Capital Resources**

Contract and Risk Management Expert Speakers Include:

Tiffany Bartley Cawthorne
General Counsel
IHI

Tracy Allen Baker, P.E.
Director, Commercial Contracts Management
Duke Energy

Peter D. Loftspring
Senior Vice President, Assistant General Counsel and Chief Compliance Manager
Legal, Risk Management & Government Affairs
Black & Veatch Corporation

Jessica McKinney, Esq.
Executive Contract Management Director
GE Grid Solutions Legal

Kelli L. Wayland
Senior Counsel
Baker Hughes, a GE Company

Fermeen Fazal
VP & Chief Counsel
UniversalPegasus International

Mina Wheless
Senior Corporate Counsel
SNC-Lavalin

Nathan McNeil
Project Executive
The Rhodes Group

Frank T. Cara
Partner, Construction Practice Group
Pepper Hamilton LLP

Laura Arrigo
Project Executive
The Rhodes Group

J. David Pugh
Partner
Bradley

Christopher Kollmer
Senior Vice President
Gemma Power Systems, LLC

Matthew Ennis
Counsel
Savannah River Nuclear Solutions, LLC

Jason Mayberry
Group Legal Counsel
Acteon Group LTD

John H. Fenner
VP, Corporate General Counsel, Chief Ethics & Compliance Officer
Turner Industries Group, LLC

Megan Beauregard
Vice President, Head of Legal and Corporate Affairs
The Enel Group, North America

Shelley Eichenlaub
Managing Counsel, Major Projects
Motiva Enterprises

Teresa G. Minor
Risk Services Director
Alabama Power Company

Mitchell Bernhard
Vice President, Associate General Counsel
Primoris

Cesar Hernandez Espinoza
General Counsel USA & Latin America
Worley

Shawn Modar
Vice President,
The Rhodes Group

James Collura
Partner
Bradley

T.A. (Madhi) Madhivanan
Global EPC Contract Manager
Dow Chemical

Ed Diggs
Senior Counsel and Manager of Claims, OG&C
Bechtel Corporation

Stephen J. Chippas, PE
Senior Counsel
Bilfinger North America Inc.

Michael Orndahl
VP, Assistant General Counsel
MYR Group

Tyler Smith
Legal Counsel
Nabors

Eric Macbeth
Commercial Manager
Freeport LNG

Alisha Moxon
Director of Supply Chain, Commercial & Risk
Clough USA

Elizabeth Gage
Assistant General Counsel
Kiewit Corporation

Michael Birmingham
Executive Director
The Rhodes Group

Michael P. Subak
Partner and Chair, Construction Practice Group
Pepper Hamilton LLP

Cristopher Farrar
Partner
Bradley

Pre-Conference Workshop | Tuesday, January 14, 2020

2:30 Registration

3:00 Pre-Conference Workshop

Lessons Unlearned: Challenges to Mitigating Schedule and Cost Risk in Construction

Contractors and owners find themselves in disputes related to schedule and cost overruns time and time again. Presentation after presentation shares "Lessons Learned." But were the lessons really learned? If so, why do we keep seeing the same dispute elements? This workshop will explore the challenges to applying lessons learned, including legal concerns that may hinder the sharing of knowledge gained.

- Understand the role institutional and individual knowledge plays in mitigating risk.
- Explore external factors that may hinder efforts to limit risk and apply lessons learned.
- Identify strategies and limitations related to incorporating lessons learned into internal culture, processes and procedures.

Facilitated by:

Shawn Modar, Vice President
The Rhodes Group

Laura Arrigo, Project Executive
The Rhodes Group

Shelley Eichenlaub, Managing Counsel, Major Projects
Motiva Enterprises

J. David Pugh, Partner
Bradley

5:00 End of Pre-Conference Workshop

TESTIMONIALS:

"The conference was invaluable in defining how different parties view the various provisions in a contract."

Williams

"Great conference. Appreciated the real world experience."

Gulf Interstate Engineering

"Strong gathering of experts willing to share their experiences and lessons learned."

Magnolia LNG

Day One | Wednesday, January 15, 2020

7:15 Registration & Morning Coffee

8:00 Safety Briefing

8:05 Chairperson's Opening Remarks

CONSTRUCTING STRONG PARTNERSHIPS BETWEEN CONTRACTORS, OWNERS, AND TEAM MEMBERS TO PRODUCE SUCCESSFUL PROJECTS

8:20 Interactive Panel Discussion

Strengthening Legal and Commercial Teams to Ensure Project Success

- Pinpointing faults in past teams to establish lessons learned
- Evaluating role and importance of each member to determine key players
- Ensuring all parties are on similar pages to reach vision and goals
- Devoting costs to help assembling strong members

Panelists:

Tracy Allen Baker, P.E., Director, Commercial Contracts Management
Duke Energy

Alisha Moxon, Director of Supply Chain, Commercial & Risk
Clough USA

Jason Mayberry, Group Legal Counsel
Acteon Group LTD

Eric Macbeth, Commercial Manager
Freeport LNG

Megan Beauregard, Vice Present, Head of Legal and Corporate Affairs
The Enel Group, North America

9:20 Interactive Panel Discussion

Collaborating with Leadership Teams to Meet Agreements

- Working with business team to understand wants and needs they are met
- Communicating team's needs and desires in negotiations to ensure they are met
- Having all parties state what is of high importance to them to improve compromises
- Getting new organization members to understand importance of contract agreements

Panelists:

Fermeen Fazal, VP & Chief Counsel
Universal Pegasus International

Jessica McKinney, Esq., Executive Contract Management Director
GE Grid Solutions Legal

Tyler Smith, Legal Counsel
Nabors

Matthew Ennis, Counsel
Savannah River Nuclear Solutions, LLC

Frank T. Cara, Partner, Construction Practice Group
Pepper Hamilton LLP

10:20 Networking Break

SPONSORSHIP INFO:

Does your company have solutions or technologies that the conference delegates would benefit from knowing? If so, you can find out more about the exhibiting, networking and branding opportunities available by contacting: **Garret Neader**, T: 312 894 6390 E: GarretN@marcusevansch.com.

DISCLAIMER

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10:50 Panel Discussion

Enhancing Indemnity Clauses during Negotiation Process to Minimize Challenges and Confusion

- Addressing Texas Oilfield Anti-Indemnity Act (TOAIA) to realize its impact on agreements
- Identifying relationship between insurance and indemnification clauses to manage risks
- Appointing who will be at fault to adhere to Texas Negligence Act
- Establishing length of coverage in order to draft clear indemnity clauses

Panelists:

Tyler Smith, Legal Counsel

Nabors

James Collura, Partner

Bradley

Mitchell Bernhard, Vice President, Associate General Counsel

Primoris

11:40 Case Study

Dealing with Concurrent Delay Claims on Large-Scale Projects

- Evaluating contract provisions addressing concurrent delay
- Identifying and documenting concurrent delay to prepare or defend against claims
- Understanding the technical factors that drive an expert analysis of concurrent delay

Michael Birmingham, Executive Director

The Rhodes Group

Nathan McNeil, Project Executive

The Rhodes Group

12:30 Networking Luncheon

1:30 Case Study

Examining Key Factors in Moving from an Engineering, Procurement, and Construction Management (EPCM) Approach into the World of Full Engineering, Procurement and Construction (EPC)

- Assessing how to utilize the contract as a risk management tool
- Balancing the risk and reward scale in approaching lump sum / fixed price work
- Reviewing challenges in performing procurement services on your own paper
- Managing cash flow in a shifting contractual approach

Fermeen Fazal, VP & Chief Counsel

UniversalPegasus International

MITIGATING DISPUTES, MANAGING CHANGES AND DELAYS TO ENABLE A STEADY PROJECT LIFECYCLE AND PARTNERSHIP

2:20 Interactive Panel Discussion

Exploring Both Sides of a Contract Negotiation to Uncover Best Tactics and Practices

- Forming trust between owner and contractor to better improve negotiation process and relationship
- Classifying multiple scenarios of how a negotiation may play out to prepare for any and all outcomes
- Deciding what aspect of the contract are most important to ensure needs are met
- Coming in with appropriate attitude and mindset as to avoid and/or mitigate disputes

Moderator:

T.A. (Madi) Madhivanan, Global EPC Contract Manager

Dow Chemical

Panelists:

John H. Fenner, VP, Corporate General Counsel, Chief Ethics & Compliance Officer

Turner Industries Group, LLC

Jason Mayberry, Group Legal Counsel

Acteon Group LTD

Cristopher Farrar, Partner

Bradley

3:10 Networking Break

3:40 Case Study

Minimizing Disputes during Contract Formation to Ensure a Successful Project and Partnership

- Appointing a committee to address and/or resolve issues to avoid legal action
- Discussing creative dispute resolution success stories to indicate lessons learned
- Making sure contract and insurance clauses read clearly to ensure no confusion amongst parties
- Requiring regulatory check-ins throughout project lifecycle to make sure tasks and needs are being met

Cesar Hernandez Espinoza, General Counsel USA & Latin America

Worley

4:30 Interactive Panel Discussion

Resolving Disputes, Challenges, and Unsuspected Changes after a Contract Has Been Finalized

- Staying informed on political and economical happenings to prepare for potential impact on project(s)
- Allowing contract renegotiations should there be a change in laws that affect project development
- Strategizing solutions to limit an owner's ability to rework a project
- Documenting all changes to help stay on schedule and track causes of delays

Panelists:

Ed Diggs, Senior Counsel and Manager of Claims, OG&C

Bechtel Corporation

Teresa G. Minor, Risk Services Director

Alabama Power Company

Matthew Ennis, Counsel

Savannah River Nuclear Solutions, LLC

Christopher Kollmer, Senior Vice President

Gemma Power Systems, LLC

Michael P. Subak, Partner and Chair, Construction Practice Group

Pepper Hamilton LLP

5:30 Closing Remarks of the Chair and Cocktail Reception to Follow Hosted by:



WHY YOU SHOULD ATTEND

Construction and capital projects carry a multitude of risk and costs. One way to ensure a project turns out successful is with superior contract language, enforcement, negotiation, as well as managing a strong and trustworthy relationship between the owner and contractor(s).

This premier **marcus evans** conference will permit attendees the opportunity to discuss successful negotiation strategies, sharpen dispute resolution tactics, gain a comprehensive understanding of insurance and indemnification clauses, and how to handle the risks associated with working with international entities in today's volatile political and economical climate.

8:35 Safety Briefing

8:40 Chairperson Opening Remarks

CONSIDERING RISK ASSOCIATED WITH WORKING WITH THIRD PARTIES AND INTERNAL ENTITIES TO BETTER PREPARE AND BENCHMARK EXPECTATIONS

8:50 Interactive Panel Discussion

Comparing and Contrasting Various Contract Delivery Methods to Determine the Best Option per Project

- Weighing pros and cons between Lump Sum and Cost-Reimbursable to grasp differences
- Expressing need of choosing contract method based on what is best fit, not what is easiest
- Exploring lesser known models to recognize their importance and how they can be utilized
- Deciphering which model fits within project scope and budget

Panelists:

Mina Wheless, Sr. Corporate Counsel
SNC-Lavalin

Tiffany Bartley Cawthorne, General Counsel
IHI

Elizabeth Gage, Assistant General Counsel
Kiewit Corporation

Christopher Farrar, Partner
Bradley

9:40 Networking Break

10:10 Case Study

Preparing for Advances in Technology and Digitalization to Uncover Potential Risks

- Examining how contractors are utilizing digitalization to construct projects and agreements
- Reassessing risk profiles for projects to include impact from new technology
- Analyzing and staying up-to-date with new trends to better pinpoint associated legal issues
- Delving into future of artificial intelligence (AI) to see how it can/is be implemented on construction sites

Alisha Moxon, Director of Supply Chain, Commercial & Risk
Clough USA

11:00 Case Study

Contracting to Assure Foreign Corrupt Practices Act (FCPA)/UK Border Agency (UKBA) Compliance by Requiring ISO 37001 Anti-Bribery Management System Certification

- Meeting new international standards to help organizations prevent, detect, and address bribery
- Implementing measures and controls that represent global anti-bribery practices
- Reviewing requirements and efforts necessary to certify
- Addressing DOJ perspectives on ISO 37001 Certification
- Highlighting countries, ministries, and organizations beginning certification
- Determining whether a company should be certified and/or require vendors, suppliers, and contractors to be certified

Peter D. Loftspring, Senior Vice President, Assistant General Counsel and Chief Compliance Manager, Legal, Risk Management & Government Affairs

Black & Veatch Corporation

11:50 Networking Luncheon

ESTABLISHING RESPONSIBILITIES BETWEEN OWNERS AND CONTRACTORS THROUGH CLAUSES TO ENSURE INDIVIDUALS ARE COVERED

12:50 Interactive Panel Discussion

Diving into Insurance Clauses to Improve Knowledge of Coverage and Risks

- Underlining key insurance provision to gain a better understanding
- Addressing how insurance supports contracts
- Diving into "additional insured" and "waivers of subrogation" to understand what's being covered
- Assigning main insurers to utilize throughout project lifecycle

Panelists:

Kelli L. Wayland, Senior Counsel
Baker Hughes, a GE Company

Michael Orndahl, VP, Assistant General Counsel
MYR Group

1:40 Panel Discussion

Sharpening Up Insurance Language to Mitigate Disputes

- Exploring importance of wording in a contract to avoid confusion
- Determining coverage and exclusions to better prepare for fallout
- Looking past "boiler plate" language to reveal what can be misconstrued or over leveraged
- Examining relationship between insurance and financial guarantees to see how they tie into payment charges

Panelists:

Stephen J. Chippas, PE, Senior Counsel
Bilfinger North America Inc.

2:30 Networking Break

3:00 Case Study

Assessing Exculpatory Clauses and Limits of Liability to Determine Where Responsibilities

- Outlining limits of liability early on to enhance benchmarking agreements
- Reviewing insurance coverage to manage risks accordingly
- Determining terms and conditions of liability to recognize what's being offered
- Addressing disputes that arise from indemnification clauses to uncover where issues lie

Michael Orndahl, VP, Assistant General Counsel
MYR Group

3:50 Case Study

Constructing Effective Mediation and Arbitration Language Policies to Minimize Disputes

- Establishing professionalism, positivity, and protocols for minimal conflict
- Incorporating panels and resolution boards for minimal disputes
- Examining alternative dispute methodology utilized in other industries
- Favorably closing out disputes and claims to minimize the need for mediation or arbitration

4:40 Chairperson's Closing Remarks & End of Conference

PRODUCER INFO:

I would like to thank everyone who has assisted with the research and organization of the event, particularly the speakers for their support and commitment.
Nick Comerford, nickc@marcusevansch.com

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With over 63 attorneys practicing exclusively in Construction, Government Contracts and Energy, we can handle any legal issue that may arise before, during, or after the close of a construction project. Our work has taken us across the country and around the globe and is reflected in trials or arbitrations in 46 states and in 63 countries.

Our team understands the sophisticated dynamics of the construction industry, and we deliver smart, cost-effective results to clients through careful planning and efficient implementation of an agreed-upon strategy. We represent clients in all sectors of the construction industry, including over 20 of the 100 largest contractors in the U.S. as ranked by Engineering News Record (ENR). Our clients also include some of the country's largest EPC firms, defense contractors, and global power companies. Our construction practice is recognized nationally in Chambers USA, The Best Lawyers in America, and ranked in US News & World Reports as the "Top Law Firm in the U.S. for Construction Law" for 2020.



The Rhodes Group is a leading construction consulting firm with offices in Pittsburgh, PA and Houston, TX. We have global reach and experience across all major sectors of construction. Since 1999 we have helped hundreds of construction stakeholders across the globe on multi-million and multi-billion dollar projects that range in function from professional sports stadiums

to LNG, petrochemical, power generation, and mining facilities. Our comprehensive services span the life of a project — from preconstruction through formal dispute resolution.

For more detailed information on our services and capabilities, visit us online at rhodes-group.com.

PANEL PARTNER



Pepper Hamilton's Construction Group has an unparalleled record of resolving complex construction disputes and winning complex construction trials. We counsel clients on some of the biggest construction projects in the world. Chambers USA named our firm Construction Law Firm of the Year in 2018, and we are nationally ranked in Chambers USA, The Legal 500 United States, and U.S. News / Best Lawyer.

MEDIA PARTNERS



Houston Energy Industry News is an internet news site dedicated to reporting on people and events in the Houston, Texas area. This publication focuses on petroleum refining, petrochemical, oil/gas, and basic chemical industries; as well as energy derived from wind, solar, and hydroelectric. The aim is to deliver, not only notifications and headlines; but insightful information and analysis. Richard, the editor, practices in the field of chemical process engineering; and has nearly 30 years of experience in engineering and journalism.



The Global Risk Community is a thriving community of risk managers and associated service providers. Our purpose is to foster business, networking and educational explorations among members. Our goal is to be the world's premier Risk forum and contribute to better understanding of the complex world of risk.



Electrical Construction & Maintenance drives electrical systems innovation by providing expertise and insights into the latest products, solutions and technologies being used in commercial, industrial and institutional building applications. Our trusted content attracts and engages an audience of electrical professionals responsible for designing, constructing and maintaining electrical systems.



Contracting Business drives the success of HVACR professionals by providing insights and know-how related to the latest products, trends and business strategies being leveraged by successful contracting firms. We attract and engage an audience of owners, managers, technicians and facility personnel that purchase, install, maintain and service HVACR systems in commercial, residential and institutional building applications with our trusted content.



HPAC Engineering drives mechanical and building systems innovation by providing expertise and insights into the latest products, solutions and technologies being used in commercial, industrial and institutional building HVAC applications. Our trusted content attracts and engages an audience of professionals responsible for designing, specifying, operating and maintaining mechanical and building automation systems.

CONTINUING LEGAL EDUCATION

marcus evans has requested CLE accreditation from all appropriate states. **marcus evans** certifies that this conference has been pre approved for CLE credits by the Pennsylvania, California and West Virginia State continuing legal education authorities and also approved for New Jersey and Colorado CLE credits via reciprocity. To qualify for CLE credits you are required to sign-in with your state bar number for every conference day that you are in attendance. CLE credits are subject to final approval from the individual state boards and certificates will be issued 6-8 weeks after the conference is held.