

The Northern California Pipe Users Group (PUG)  
and Lorman Education Services are  
pleased to offer a special **one-day training course** on:

## Public Contracting and Competitive Bidding

*Held on:*  
Thursday, October 18th, 2018  
9:00 a.m. to 4:30 p.m.

*At the office of:*  
Central Contra Costa Sanitary District (CCCSD)  
5019 Imhoff Place, Martinez, CA 94553

### General Course Information:

#### Description

Discover how to navigate the minefields of public contracting and procurement code with ease. Do you want to know how to minimize the looming pitfalls inherent in public contracting? You'll find out not only how to effectively coordinate the public procurement process for construction services, but also how to make strategic decisions concerning bid protests and contractual disputes. This course will show you how public works projects are awarded and what you should do if you encounter a problem along the way. Presented from both legal and practical perspectives, this course will give you the tools you need to face the changing landscape in this often daunting field.



#### Benefits for You:

- Enhance your understanding of the legal framework for local government procurements
- Take the guesswork out of bid challenge procedures
- Survival techniques for handling competitive bidding requirements and exceptions
- Expert advice on how to comply with bonding and insurance requirements
- Understand how to use alternative dispute resolution, including mediation and arbitration

#### Learning Objectives

- You will be able to discuss the procurement of goods, services, materials and equipment.
- You will be able to review public works and competitive bidding law.
- You will be able to explain retention and prompt payment rules.
- You will be able to identify competitive bidding requirements and exceptions.

## Course Instructor:

**Eric J. Firstman, Esq.**

### Meyers Nave

- Practice Group Leader, Meyers Nave's Construction and Facilities Practice Group and Public Contracts Practice Group
- Advises clients on all aspects of planning, procurement, design, construction, administration, contract compliance, completion, closeout, dispute resolution and complex litigation on projects varying from small, general projects to large, complicated projects such as airports, hospitals and seaports
- Tried to final judgment complex construction cases in state and federal bench trials and jury trials, state bench trials, AAA Arbitrations, JAMS Arbitrations
- Charter Fellow and member of the Advisory Board of the Construction Lawyers Society of America, a Fellow of the Litigation Counsel of America, Achieved the highest rating by Martindale-Hubbell
- Listed in Northern California Super Lawyers in the Construction Litigation category (10 years)
- Can be contacted at [efirstman@meyersnave.com](mailto:efirstman@meyersnave.com), 213-626-2906 or 510-808-2000

## REGISTRATION FORM

Register only **ONE** person on each registration form. For multiple registrants, please photocopy. Please print your name exactly as you wish it to appear on your name badge. There will be no group discounts available for this seminar.

### ONE DAY REGISTRATION:

- I am a PUG member! Enclosed is my \$150 registration fee.  
 I am **NOT** a PUG member. Enclosed is my \$250 registration fee.

**Please make checks payable to Pipe User's Group.**

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Agency/Company \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone No. \_\_\_\_\_  
Email \_\_\_\_\_



**A confirmation email will be sent after registration is received.**

- Please check here if you want your email address added to the PUG e-mail distribution list.

PayPal is now available  
by clicking [Here](#)



**RSVP's must be received by October 11, 2018.**

**Send to:** [iuresti@brwncaled.com](mailto:iuresti@brwncaled.com) or to:

Pipe Users Group  
c/o Brown and Caldwell  
1590 Drew Ave., Suite 201  
Davis, CA 95618  
Attn: Iris Uresti  
Questions? Call (530) 204-5208

## Morning Agenda

### CHECK-IN & REGISTRATION 8:30 TO 9:00 A.M.

<b>9:00 AM - 9:10 AM</b>	<b>Overview</b>
<b>9:10 AM - 9:40 AM</b>	<b>Options and Selection of a Contracting Method</b> <ul style="list-style-type: none"> <li>• Design-Bid-Build</li> <li>• Design Build</li> <li>• CM at Risk</li> <li>• Lease-Lease Back</li> <li>• Revenue Generating Facilities</li> </ul>
<b>9:40 AM - 10:00 AM</b>	<b>Generally Applicable Statutes and Requirements</b> <ul style="list-style-type: none"> <li>• Public Records Act</li> <li>• Brown Act</li> <li>• Code § 1090 Conflicts of Interest Under the New Sahlolbei Decision</li> <li>• Prevailing Wages</li> </ul>
<b>10:00 AM - 10:30 AM</b>	<b>Procuring Consultants, Architects, Engineers, Construction Managers</b> <ul style="list-style-type: none"> <li>• Statutory Requirements</li> <li>• Steps for Selection and Contracting</li> <li>• Key Terms and Recommendations</li> </ul>
<b>10:30 AM - 10:45 AM</b>	<i>Break</i>
<b>10:45 AM - 11:15 AM</b>	<b>Preparing the Construction Contract</b> <ul style="list-style-type: none"> <li>• Working Inventory of Statutory Requirements and Limits</li> <li>• Risk Transfers, Limiting Liability and Tradeoffs</li> <li>• Consequential Damages and Insurance Coverages</li> <li>• New Statutes on Liquidated Damages\</li> <li>• Delegating and Limiting Change Order Authority</li> </ul>
<b>11:15 AM - 12:00 PM</b>	<b>Procuring the Construction Team</b> <ul style="list-style-type: none"> <li>• Prequalification, Bidding and Award</li> <li>• Required Licensing, Certifications and DIR Registration</li> <li>• Prequalification Standards, Methods and Timelines</li> <li>• Best Value Selections: Timeline and Methods</li> </ul>
<b>12:00 PM - 1:00 PM</b>	<b>Lunch (Provided)</b>

## Afternoon Agenda

<b>1:00 PM - 1:30 PM</b>	<b>Common Bidding Issues and Bid Protests</b>
<b>1:30 PM - 2:00 PM</b>	<b>Managing Construction Issues</b> <ul style="list-style-type: none"> <li>• Using the Project Controls – CPM Schedule, Schedule of Values and Submittals</li> <li>• Managing the Quality Issue - Inspections, Corrections and Punch Lists</li> <li>• Managing Subcontractor Substitutions, Stop Notices and Payment Disputes</li> <li>• Recognizing Insurable Events</li> </ul>
<b>2:00 PM - 2:30 PM</b>	<b>Managing Project Change and Emerging Claims</b> <ul style="list-style-type: none"> <li>• Statutory Requirements for Recognizing and Pricing Changes</li> <li>• The Big Three: Unforeseen Conditions, Inadequate Design, Owner Elective</li> <li>• Change Order and Pricing Methods – Lump Sum, Force Account, Proceed While Pricing</li> </ul>
<b>2:30 PM - 2:45 PM</b>	<i>Break</i>
<b>2:45 PM - 3:15 PM</b>	<b>Understanding and Drafting for Claims on Public Works Projects</b> <ul style="list-style-type: none"> <li>• Claims Limited by Public Contracting Laws</li> <li>• Claims Created by Public Contracting Laws</li> <li>• Claims Precluded by Public Contracting Laws</li> </ul>
<b>3:15 PM - 3:45 PM</b>	<b>Managing Project Closeout</b> <ul style="list-style-type: none"> <li>• Punch Lists, O&amp;M Manuals, Warranties</li> <li>• Inventory of Final Inspections and Authorities With Jurisdiction</li> <li>• Project Acceptance and the Prompt Payment Statutes</li> </ul>
<b>3:45 PM - 4:15 PM</b>	<b>Managing the Disputes and Claims Process Required Under PCC § 9204</b> <ul style="list-style-type: none"> <li>• The Statutory Timeline, Meet and Confer, and Permitted Additions</li> <li>• Contract Notice Requirements</li> <li>• Subcontractor Pass-Through Rights</li> </ul>
<b>4:15 PM - 4:30 PM</b>	<i>Question and Answer</i>