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Ensure that your organization is prepared for  
**ONTARIO'S NEW LEGAL AND COMMERCIAL LANDSCAPE**

February 6 - 7, 2018 | Old Mill Toronto

3<sup>rd</sup> Annual

# MANAGING RISK IN CONSTRUCTION CONTRACTS & PROJECTS

 **EARN CPD  
HOURS**

## PRE-CONFERENCE WORKSHOPS:

- A** Alternative Dispute  
Resolution Master Class
- B** A Step-by-Step Guide  
to Enforcing  
Contractual Obligations

Ontario is modernizing its approach to construction contracts, disputes, and project management. Set your project up for success by getting essential risk management updates for the construction sector.

Join The Canadian Institute for our 3<sup>rd</sup> annual **Managing Risk in Construction Contracts and Projects** conference for two days of strategic discussions designed to help project owners, managers, and builders execute their construction projects more effectively. Gain critical updates on Ontario's construction laws, as well as strategies to tackle

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- Infrastructure Ontario
- Aecon Group Inc.
- U.S. Department of Transportation
- Aird & Berlis LLP
- Tread, Inc.
- Crosslinx Transit Solutions Constructors
- Revay and Associates Limited
- ...and many others!



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## BACK BY POPULAR DEMAND

CONSTRUCTION PROFESSIONALS ACROSS CENTRAL CANADA ARE FACING NOT ONLY THE PERENNIAL CHALLENGES THAT COME WITH PROJECT DEVELOPMENT, BUT ALSO THE CHANGES TO ONTARIO'S LEGAL LANDSCAPE WITH THE EXPECTED ADOPTION OF THE NEW *CONSTRUCTION ACT*.

The Canadian Institute is proud to present the 3rd edition of **Managing Risk in Construction Contracts and Projects** – an event specifically designed to give construction specialists the practical takeaways they need to reduce the risk of litigation, improve communication and collaboration, and effectively manage contract disputes. Join our distinguished faculty in **Toronto, February 6th and 7th**, for a conference that will provide critical legal and practical strategies to see projects to a successful conclusion.

Hear accomplished counsel, project managers, mediators, and contract specialists from a variety of public and private organizations on such topics as:

- Preventative thinking and early risk management – addressing project risk before the contract is even signed
- Essentials of drafting and negotiating clear and precise contracts
- Managing risk effectively and equitably when involved in a P3 project
- In-depth analysis of the *Construction Act* – anticipated effects of the changes to liens, holdbacks, and the introduction of the adjudication system
- Economic overview – what are the broad trends that will be affecting the construction sector in 2018?

Don't miss this opportunity to ensure that you and your team are prepared for Ontario's new legal and commercial realities. Reserve your space today by calling **416-927-0718 x 7391** or register online at **CanadianInstitute.com/ConstructionRiskEast/** CODE: DS YKY

Monica Ferris  
Legal Conference Producer

## SPEAKER FACULTY

**Maged Abdelsayed,**  
ing., M.Sc.  
Partner -  
Capital Projects  
**Deloitte**

**Nader Akkaoui**  
Senior Manager -  
Capital Projects  
**Deloitte Canada**

**Brendan D. Bowles**  
Managing Partner  
**Glaholt LLP**

**J. Gerard Boyle**  
Vice President  
**Revay and Associates Limited**

**Graham Brown**  
Associate  
**WeirFoulds**

**Ryan Chalmers**  
Partner  
**Aird & Berlis LLP**

**Justin DeMerchant**  
Associate Legal Counsel &  
Subcontract Manager  
**SNC-Lavalin & Crosslinx**  
**Transit Solutions Constructors**

**Noah Dolgoy**  
Founder & CEO  
**Tread, Inc.**

**Yonni Fushman**  
Executive Vice President  
Chief Legal Officer  
and Secretary  
**Aecon Group Inc.**

**Stephen Gaj**  
Team Lead, Asset Management  
**Federal Highway**  
**Administration, U.S.**  
**Department of Transportation**

**Robert Poole**  
Managing Director,  
Construction Solutions  
**FTI Consulting**

**Bruce Reynolds**  
Partner  
**Borden Ladner Gervais**

**Nicholas Shkordoff**  
Senior Legal Counsel  
**Infrastructure Ontario**

**Jeff St. Aubin**  
Partner  
**Osler, Hoskin, & Harcourt LLP**

**Sharon Vogel**  
Partner  
**Borden Ladner Gervais**

**Richard Wong**  
Partner  
**Osler, Hoskin, & Harcourt LLP**



### LEGAL ACCREDITATION:

This program can be applied towards 8.0 of the 12 hours of annual Continuing Professional Development (CPD) required by the Law Society of Upper Canada. The same number of hours may be applied toward your continuing legal education requirements in British Columbia.

For Alberta lawyers, consider including this course as a CPD learning activity in your mandatory annual Continuing Professional Development Plan as required by the Law Society of Alberta.



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# PRE-CONFERENCE WORKSHOPS

Monday, February 5

2:30 pm - 5:00 pm  
(Registration opens at 2:00 pm)

## WORKSHOP A

### Alternative Dispute Resolution Master Class

Dispute resolution skills are crucial for any infrastructure or construction professional committed to reducing their organization's exposure to lengthy and expensive litigation. Do not miss this opportunity to learn cost-effective strategies to resolve construction and related disputes. Join our expert in dispute resolution for an in-depth, interactive session covering subjects such as:

- What the different types of mediation, arbitration, and alternative methods can bring to the resolution table
- How to keep the costs of your dispute resolution process under control
- "Hands-on" lessons to give you the necessary skills to resolve personal conflict - from the boardroom to the work site
- How to obtain the expert opinions you need at the lowest cost and the smallest risk to you

*A light dinner will be served to those attending both workshops.*

6:00 pm - 8:30 pm  
(Registration opens at 5:30 pm)

## WORKSHOP B

### A Step-by-Step Guide to Enforcing Contractual Obligations

Maged Abdelsayed, ing., M.Sc.  
Partner – Capital Projects  
**Deloitte Canada**

Nader Akkaoui  
Senior Manager - Capital Projects  
**Deloitte Canada**

Practical examples of how to prepare a claim effectively with the goal of ensuring equitable payment, along with your organization's legal rights.

- Developing the right claims strategy for you and your organization
- Developing a claim plan – scheduling, budgeting, and allocating resources
- Roles and responsibilities of the project manager, lawyers, and construction professionals
- Managing information – identifying the critical data you need, as well as the information that you are missing
- Documentation and communication best practices
- Analyzing impacts of your quantification methods

# DAY ONE

Tuesday, February 6

8:00

Registration Opens and Refreshments are Served

9:00

Opening Remarks from Conference Chair

9:15

## KEYNOTE

### Modernizing Ontario's Construction Laws

Representative,  
Ministry of the Attorney General  
**Government of Ontario** (invited)

9:45

### Essential Case Law Updates from Across Canada

Brendan D. Bowles  
Managing Partner  
**Glaholt LLP**

The construction sector is fertile ground for costly legal disputes. This presentation will provide an update on the current state of the law, as well as the most important decisions to watch out for in the upcoming year.

10:45

Networking Refreshment Break

11:00

### Preventative Thinking and Early Intervention – Managing Your Project Risk Before Signing the Contract

The best way to deal with the spectre of project risk is by addressing potential problems before they occur. Hear expert advice on such subjects as:

- Early assessment of the project delivery system
- The right stages to seek internal and external legal advice – the earlier the better?
- Lowest cost vs. highest value – identifying the riskier trade-offs in project proposals
- The importance of contract interfaces – delineating responsibility across project participants in order to reduce risk of overlap or incomplete work
- Working in a P3 structure in the light of Ontario's new *Construction Act*

12:15

Networking Luncheon

1:15

### Negotiating Clear and Precise Contracts

Ryan Chalmers  
Partner  
**Aird & Berlis LLP**

Managing risk and preventing disputes begins with negotiating contracts that are clear in meaning, precise in language, and meaningful in scope.

- Defining key stakeholders, clauses, and terms during negotiations
- Identifying your areas of largest potential risk in pricing, potential delays, and delivery system
- Negotiating risks regardless of organization or bargaining position
- Defining clear project parameters for each participant
- Developing a realistic expectation of project scope

2:15

Networking Refreshment Break

2:30

### Looking Forward: Limiting Project Risk and Improving Productivity through Mobile Technology

Noah Dolgoy  
Founder & CEO  
**Tread, Inc.**

Managing your project risk can be made easier by embracing new technology. Hear how to leverage mobile applications to reduce likelihood of labour deployment problems, and improve heavy equipment tracking.



3:00

## Effective Risk Management in Public-Private Partnerships

Yonni Fushman

Executive Vice President  
Chief Legal Officer and Secretary  
**Aecon Group Inc.**

Nicholas Shkordoff

Senior Legal Counsel  
**Infrastructure Ontario**

Delivering large P3 projects on time and on budget requires a comprehensive risk management strategy that includes input from all project participants. Join representatives from the public and private sector for a strategic discussion on such topics as:

- Evaluating project scope and size – ensuring your P3 project is the right size to encourage competitive tendering
- Negotiating risk equitably across project stakeholders
- Making the most of your collaboration – constructive ways of communicating and managing across the public-private divide
- Balancing legal and commercial concerns

4:15

## Closing Remarks Conference Adjourns

### WHO YOU WILL MEET:

- Risk managers
- Lawyers in private and public practice
- Contract administrators, managers, and specialists
- Engineers and architects
- Project managers
- Construction managers
- Procurement specialists
- Estimators
- Construction consultants
- Construction associations

# DAY 2

Wednesday, February 7

8:30

## Registration Opens and Refreshments are Served

9:00

## Opening Remarks from Conference Chair

9:15

### KEYNOTE

## A Look Ahead at 2018 – What Trends Can We Anticipate in Ontario's Construction Sector?

Katherine Jacobs (invited)

Director of Research  
**Ontario Construction Secretariat**

9:45

## Spotlight on Ontario's Construction Act

### CHANGES TO LIENS AND HOLDBACKS

Ontario's construction laws are undergoing massive changes in order to reflect the modern realities of construction risk management.

Join experts on the new *Construction Act* for two in-depth sessions on the must-know aspects of the legislative changes shaping Ontario's construction landscape.

Richard Wong

Partner  
**Osler, Hoskin, & Harcourt LLP**

Jeff St. Aubin

Partner  
**Osler, Hoskin, & Harcourt LLP**

10:30

## Networking Refreshment Break

10:45

## Spotlight on Ontario's Construction Act (continued)

### INTRODUCTION OF THE INTERIM ADJUDICATION SYSTEM

Bruce Reynolds

Partner  
**Borden Ladner Gervais**

Sharon Vogel

Partner  
**Borden Ladner Gervais**

11:45

## Ensuring Sound Competition Practices in Tendering and Bidding Procedures

Graham Brown

Associate  
**WeirFoulds**

Canada's Competition Bureau has stated an intention to scrutinize the construction industry's practices in bidding and tendering. Even the most careful industry participants can inadvertently run afoul of the *Competition Act* and get an unwanted visit from the Competition Bureau. This presentation will provide participants with best practices for ensuring that their bidding and tendering procedures are transparent and lawful.

12:30

## Networking Luncheon

1:30

### PANEL

## Change Order Management: Practical Advice to Mitigate Your Risk

Justin DeMerchant

Associate Legal Counsel &  
Subcontract Manager  
**SNC-Lavalin & Crosslinx Transit Solutions Constructors**

J. Gerard Boyle

Vice President  
**Revay and Associates Limited**

Robert Poole

Managing Director - Construction Solutions  
**FTI Consulting**

Any change to scope, design, or schedule represents a real risk to the successful delivery of a construction project. Realistic change order provisions are essential to ensure that the work is done, and that your organization's bottom-line is protected. Join our panel of project owners, builders, and subcontractors for an interactive discussion on how they deal with:

- Drafting meaningful change order terms that recognize the on-site realities of a construction project
- Clear documentation and data – are you getting an accurate picture of the realities on the ground?
- Mitigating risk while working without a signed change order
- Essential communication and management strategies when dealing with large organizations

2:30

## Networking Refreshment Break



**KEYNOTE****Canada's Infrastructure Bank – Financing Transformational Infrastructure in Canadian Communities**

3:15

**Operating Successfully Using A Prompt Payment System – Case Studies from Outside Canada**

Stephen Gaj

Team Lead, Asset Management

**Federal Highway Administration, U.S. Department of Transportation**

The anticipated introduction of Ontario's Prompt Payment System will cause significant changes to the way owners, contractors, and subcontractors manage their payment schedules. Hear best practices for operating under such a payment regime from a speaker who understands the realities of delivering large projects while transforming your financial model.

4:15

**Closing Remarks from Conference Chair  
Conference Concludes****SAVE ON YOUR STAY!****HOTEL INFORMATION**Hotel:  
Old Mill TorontoTelephone:  
(416) 236-3641Address:  
21 Old Mill Road  
Toronto, ON M8X 1G5

For information on hotel room availability and reservations, please contact the Old Mill at (416) 236-2641 and request the Best Available Rate.

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3<sup>rd</sup> Annual

# MANAGING RISK IN CONSTRUCTION CONTRACTS & PROJECTS



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1329 Bay Street  
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Aecon Group, and many more!

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# MANAGING RISK IN CONSTRUCTION CONTRACTS & PROJECTS

## TOP REASONS TO ATTEND:

- In-depth examination of the legal and commercial consequences of Ontario's new **Construction Act**
- Practical advice from a cross-section of Central Canada's esteemed construction professionals
- Forward-looking presentations on the **economic and technological trends** the construction sector should anticipate in 2018
- **Essential case law updates** focusing on the most important developments in Canada's construction landscape