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Workshop sponsored by the:

Hawaii Local Technical Assistance Program

*in cooperation with the
Hawaii State Department of Transportation,
University of Hawaii's Department of Civil &
Environmental Engineering
and the Federal Highway Administration*

Avoiding and Dealing with Construction Claims: A government lawyer's perspective

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Registration Procedure

1. Please contact Juli Kobayashi at 808-956-9006, 808-956-8851 (FAX) or juli@hawaii.edu by **Monday, October 19, 2009**.
2. Attendance is limited, and preference is given to local government employees.
3. Private company registration fee is \$25.

Parking

East-West Center (EWC) parking passes are available at \$5/day. If you would like a parking pass please contact us by October 19, 2009. All vehicles (including government vehicles) are required to have an EWC parking pass in order to park in the EWC specified areas.

Payment

Payment can be made via Check – payable to the Research Corporation of the University of Hawaii (RCUH), Purchase Order, Credit Card (Visa & MasterCard) or Purchasing Card. Please mail payments to:

Hawaii LTAP
University of Hawaii at Manoa
Dept. of Civil & Environmental Engineering
2540 Dole Street, Holmes Hall 383
Honolulu, HI 96822

Cancellations

Please contact us if you are unable to attend or if someone will be substituting for you. Refunds will be made if notice of cancellation is received at least 3 working days prior to the workshop date and parking passes are returned prior to the workshop date.

East-West Center, Jefferson Hall,
Asia Room
1777 East West Road
Honolulu, Hawaii

**November 3, 2009
8:00 a.m. – 12:00 p.m.**

Registration begins at 7:30 a.m.

Hawaii Local Technical Assistance Program
University of Hawaii at Manoa
Department of Civil & Environmental Engineering
2540 Dole Street, Holmes Hall #383
Honolulu, Hawaii 96822



Course Description:

This program is in two parts - the first deals with the rights, duties and obligations of each side to the construction contract (e.g. - State's duty to provide unambiguous plans and specs; act in good faith in all matters; right to unilaterally establish price and time adjustments by change order if negotiations are successful, etc.; and contractor's duty to perform in strict accordance with the contract; provide contractual notices; price potential extra work on request as part of the contract price, etc.).

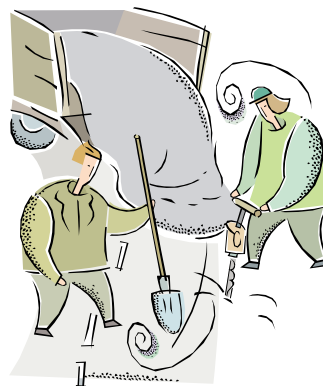
The second part is using a banquet setting to illustrate various principles - change work, extra work, unit prices, delays, etc.

Who Should Attend:

The presentation can be beneficial to anyone working on the government side of claims issues, including project managers / coordinators and inspectors, and anyone up the chain of command who has input on the decisions regarding liability for the quantum of a claim; design, administration, and fiscal personnel. Private design consultants retained to provide government services and private contractors doing government business may gain some insight on what is and isn't viable, and how to properly package a claim.

Course Agenda:

- 7:30 a.m. Registration
- 8:00 a.m. *Part I:*
- Reciprocal rights and duties
 - State's duties in connection with a contract or claim
 - State's rights/entitlements
 - Contractor's duties
 - Contractor's rights/entitlements
- 10:15 a.m. Break
- 10:30 a.m. *Part II:*
- Practical application in contract scenarios
- 12:00 p.m. Adjourn



Instructor:

Jack Rosenzweig

Jack recently retired from the State of Hawai'i Office of the Attorney General. In over 20 years as a Deputy Attorney General, he was the principal attorney providing consultation and litigation services on construction and procurement related claims to state agencies, including DAGS, DOT (Highways, Airports, and Harbors), Housing, DNLR, Kakaako Development Agency, Convention Center, and Hawaiian Homelands. He led a committee of engineers in a two year effort to clarify and upgrade the DOT Highways standard contract provisions for Road and Bridge Construction resulting in the 2005 version. Jack also worked with the State Procurement Board on the administrative rules implementing the State Procurement Code (H.R.S. 103D).

Prior to the service for the State of Hawaii, Jack was in private practice in Guam and the Pacific Territories for 14 years, concentrating in business litigation. He is a graduate of Cornell Law School and spent three years as a Marine Corps legal officer, including service in Vietnam and as a military judge. He is admitted to the bars of Hawaii, Guam, Commonwealth of the Northern Marianas, Federated States of Micronesia, New Jersey, and related federal courts.