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PROCUREMENT: THE REAL WORLD

Co-Chaired by

John Logan

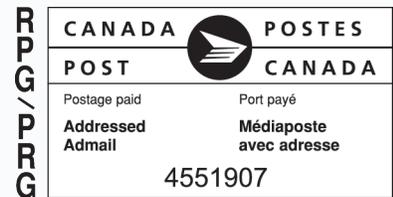
Jenkins Marzban Logan LLP

David Mckenzie

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April 29th, 2015 • UBC Robson Square • Vancouver, BC

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CO-CHAIRS



John Logan, LL.B., Managing Partner, Jenkins Marzban Logan LLP, Vancouver, BC. Mr. Logan restricts his practice to construction and commercial litigation and alternate dispute resolution. Over the last 31 years, he has been counsel on a multitude of complex construction, development and commercial cases in British Columbia. John frequently acts as a mediator, arbitrator or referee in commercial and construction disputes. He is committed to the use of alternative dispute resolution and pragmatic, business oriented approaches to the resolution of disputes. John was recently included in the LEXPERT/American Lawyer Guide to the Leading 500 Lawyers in Canada. He has the highest possible rating in both commercial and construction litigation from U.S. ratings agency Martindale & Hubbell and is listed in Best Lawyers as one of British Columbia's leading construction lawyers.



David McKenzie, Associate, Jenkins Marzban Logan LLP, Vancouver, BC. David's practice is focused primarily in the area of construction law. His clients include developers, general contractors, subtrades, and suppliers. David acts as legal counsel in all aspects of the construction industry, from litigating and advising on tender, builders lien and contract disputes to construction-related solicitor work, including construction contracts, tender packages, and easement agreements. David has taught legal courses to both aspiring architects and aspiring lawyers, he lectures frequently at events for the construction industry and the legal profession, and he is a contributing author of the British Columbia Builders Lien Practice Manual.

FACULTY



David Curtis, Associate, Fasken Martineau DuMoulin LLP, Vancouver, BC. David Curtis is a lawyer in his firm's Litigation and Dispute Resolution Group, with a practice focused on construction litigation, energy regulation, freedom of information and protection of privacy. David's construction litigation practice involves representing clients involved in construction contract disputes, product liability claims, tort claims and builders lien disputes. In addition, David has a broad range of experience in a variety of commercial litigation cases in the Supreme Court of British Columbia, the Court of Appeal for British Columbia, mediations and commercial arbitrations. He acted as a clerk in the Supreme Court of British Columbia and then at Fasken Martineau before joining the firm as an associate in 2006.



Christopher W. Eagles, Partner, Borden Ladner Gervais LLP, Vancouver, BC. Christopher Eagles is a partner in BLG's Corporate Commercial Group in the Vancouver office. Chris practises general commercial law, with a particular emphasis on the areas of public-private partnerships, procurement and infrastructure including drafting, negotiating and reviewing public-private partnerships, design-build, integrated project delivery, construction, consulting, supply and related agreements.



John Haythorne, B.A.Sc., P.Eng., LL.B., Partner, Dentons Canada LLP, Vancouver, BC. As Co-Chair of the National P3/Infrastructure Group, John practises in the areas of construction, engineering and infrastructure, with special emphasis on negotiating, drafting and advising on contracts. He is particularly experienced in public-private partnerships, advising owners on the structure and administration of procurement and legal issues relating to design and construction. He has acted for municipal, healthcare authorities and the Province of British Columbia advising on the law relating to tenders, requests for proposals and complex procurements. John began his career practising in construction litigation. From 1997-1998, John was the President of the Association of Professional Engineers and Geoscientists of British Columbia. He then served on the national Canadian Council of Professional Engineers from 2000 to 2002.



Seema Lal, Principal, SHK Law Corporation, Vancouver, BC. Seema Lal has particular expertise in the areas of builders' liens, construction law, commercial litigation and employment law. As a construction lawyer practising in Vancouver, Seema's clients include owners, developers, general contractors, subtrades, suppliers and design professionals. Seema is a member of the Construction, Employment and Civil Litigation Subsections of the Canadian Bar Association – BC Branch and is a volunteer lawyer with Access Pro Bono and the Multiple Sclerosis Society of Canada's Volunteer Legal Advocacy Program. Seema is also a member of Canadian Construction Women, the Greater Vancouver Home Builders Association, the Vancouver Regional Construction Association and the BC Construction Roundtable. Seema regularly lectures and provide seminars to both legal and industry. She also is an adjunct lecturer in the Engineering Law and Contracts in Civil Engineering course for Civil Engineering students at UBC.



David W. Little, Partner, Fasken Martineau DuMoulin LLP, Vancouver, BC. David Little has a practice focused on construction and infrastructure projects, procurement, public-private partnerships, alternative service delivery and other development. David has extensive experience with industrial, commercial and public sector institutional projects. He is a regular speaker for legal and non-legal audiences. David is recognized in *Chambers Global* 2014 for Projects: PPP & Infrastructure (Canada).



J. Marc MacEwing, B.A., LLB, Associate Counsel, SHK Law Corporation, Vancouver, BC. Mr. MacEwing graduated from the University of British Columbia Law School in 1979 and was admitted to the British Columbia Bar in 1980. Since 1982, he has practised extensively in the area of construction law, focusing on builders liens, tendering disputes, the preparation and analysis of contract documents and construction-related litigation. Mr. MacEwing has been "Repeatedly Recommended" by the Lexpert Directory as a Leading Practitioner in the construction law practice area for B.C., Peer Review Rated "Very High" for Ethical Standards and Legal Ability by LexisNexis Martindale-Hubbell and included in *The Best Lawyers in Canada* in the Construction Law practice area, and is a Fellow of the Canadian College of Construction Lawyers. He is a member of the editorial board and a contributor to The Continuing Legal Education Society of B.C. *British Columbia Builders Liens Practice Manual*. Mr. MacEwing is the author of more than 175 published articles on construction law topics and is a frequent lecturer to design professionals and construction trade bodies, educational institutions and business and trade seminars.

PROCUREMENT: THE REAL WORLD

The procurement process is absolutely crucial to the delivery of a construction project on time, on budget and at a high quality. It is imperative that all those involved, from primary parties to subcontractors, as well as their advisors, are up-to-date on the most current and effective models and approaches available. This forum features leading experts in the field of construction procurement who will provide a practical understanding of the procurement process from start to finish, as well as cutting-edge advice for addressing pressing issues facing the industry today. Owners and advisors will leave with an understanding of the best ways to approach procurement to meet the specific needs and circumstances of their projects, as well as useful tools to identify, reduce and address common problems arising throughout the procurement process. Potential bidders and proponents will leave with an understanding of the differences for them based on the various construction models and procurement processes available to owners, and how they can best position themselves in each scenario.

YOU WILL LEARN:

- About project delivery models and which one is best for your project and circumstances
- The intricacies of the various procurement processes, including negotiation, competitive tendering and hybrid procurement
- How to draft your package properly to avoid common errors and limit liability
- Best practices for administering the procurement process and minimizing mistakes
- Considerations unique to subcontractors throughout the procurement process

WHO SHOULD ATTEND?

- Owners and C-Suite Officers
- Construction Managers, Contractors, Subcontractors and Suppliers
- Lawyers
- Project Control Managers, Prime Contract Managers and Claims Consultants
- Designers and Architects



Karen Martin, Partner, Dentons Canada LLP, Vancouver, BC. Ms. Martin is a partner in her firm's Construction & Infrastructure Groups. Since the late 1980s, she has acted for contractors, design consultants and owners on procurement and construction claims. She provides strategic advice during tender and RFP processes and during the implementation of projects to help clients minimize risk, avoid disputes and resolve project issues expeditiously. When disputes arise, she acts as counsel in the negotiation, mediation, arbitration and litigation of all types of claims, including procurement changes. She is one of the contributing authors to the *BC Builders Liens Practice Manual* and the *BC Business Disputes Manual*, Construction Law chapter. Ms. Martin is rated in the Canadian Legal LEXPERT Directory as "Repeatedly Recommended" in the area of Construction Law. She is recognized in Best Lawyers in Canada as one of Canada's leading lawyers in Construction Law. She is recognized by "Chambers Global: The Guide to the World's Leading Lawyers" as a leading lawyer in the area of Construction Law. Ms. Martin has also been recognized as a Local Litigation Star (British Columbia) by "Benchmark Litigation", and she was the Exclusive Winner of the 2014 ILO Client Choice Award in Construction for BC.



Douglas R. Sanders, LL.B., P.Eng., Partner, Borden Ladner Gervais LLP, Vancouver, BC. Doug Sanders is a member of BLG's Corporate Commercial Group in the Vancouver office, and their Public-Private Infrastructure Projects Group nationally. Doug is both a lawyer and an engineer, and practises in the areas of public-private partnerships, construction contracts (negotiation, drafting, and review), shipbuilding contracts, power plant and industrial EPC contracts, and generally contracts to design or construct any asset. Recognized as a leading lawyer in construction and infrastructure by the foremost legal rankings publications, Doug focuses on large infrastructure projects and has worked on major projects in many Canadian provinces, and around the world. Doug is also a frequent author and speaker for various organizations and publications on these areas of law.

PROCUREMENT: THE REAL WORLD

WEDNESDAY, APRIL 29TH, 2015

9:00 Welcome and Introduction by PBLI

9:05 Chairs' Welcome and Introduction

John Logan

Jenkins Marzban Logan LLP

David Mckenzie

Jenkins Marzban Logan LLP

9:15 Choosing Your Model

Douglas R. Sanders

Borden Ladner Gervais LLP

Christopher W. Eagles

Borden Ladner Gervais LLP

- Project delivery options available to owners
 - Design-bid-build
 - Construction management
 - Design-build
 - The Alliance model
- The benefits of early contractor involvement
- Considerations for constructors and designers based on the different models
- Protecting yourself as an owner
- Protecting yourself as a constructor or designer

10:25 Questions and Discussion

10:35 Refreshment Adjournment

10:50 The Process

John Haythorne

Dentons Canada LLP

J. Marc MacEwing

SHK Law Corporation

- Negotiation
- Competitive tender
- Hybrid procurement

11:50 Questions and Discussion

12:00 Networking Luncheon

1:00 The Procurement Package - Drafting Done Right

David W. Little

Fasken Martineau DuMoulin LLP

David Curtis

Fasken Martineau DuMoulin LLP

- Procurement rights and responsibilities
- Front end documents
 - Achieving objectives
 - Contracting with the right party
 - Risks and strategies
 - Drafting
- Setting up successful negotiations
- Contracts
 - Drafting to deal with the new duty of good faith

2:05 Questions and Discussion

2:15 Administering the Process

John Logan

Jenkins Marzban Logan LLP

Karen Martin

Dentons Canada LLP

- Follow your rules
- Fairness
- Compliance with the duty of good faith
- Common mistakes

3:20 Questions and Discussion

3:30 Refreshment Adjournment

3:45 Considerations Unique to Subcontractors

David Mckenzie

Jenkins Marzban Logan LLP

Seema Lal

SHK Law Corporation

- Same rules, different circumstances
- What is the contract?
- When are contractors and subcontractors on the hook?
- Protecting contractors and owners from increased costs
- Protecting subcontractors from the imposition of onerous clauses
- Avoiding disputes after award of contract

4:45 Questions and Discussion

4:55 Chairs' Closing Remarks

5:00 Program Concludes

INFORMATION

Four Ways to Register:

1. Telephone us: 604-730-2500 or toll free 877-730-2555
2. Fax us: 604-730-5085 or toll free 866-730-5085
3. Mail your registration form with payment
4. Register at www.pbli.com/1145

Registration: The registration fee is \$770.00 plus GST of \$38.50 totalling **\$808.50** covering your attendance at the program (in person or by live webinar), written materials, a light breakfast, a networking luncheon and refreshments throughout the day.

Early Bird Discount: Register by March 30th, 2015 and receive a \$100 discount on the registration fee (\$670.00 plus GST).

Group Discount: Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Early Bird and Group Discount cannot be combined.

Payment: You may pay by VISA, MasterCard or cheque. Cheques should be made payable to the Pacific Business & Law Institute. Registration fees must be paid prior to the program.

When and Where: Check-in begins at 8:30 a.m. The program starts at **9:00 a.m.** UBC Robson Square is located at the basement level of **800 Robson Street** in Vancouver, BC. Please visit <http://robsonsquare.ubc.ca/find-us/> for directions.

Materials: The faculty will prepare papers and/or other materials explaining many of the points raised during this program. Materials will be available for pick-up at the program. Please contact us at registrations@pbli.com if you are unable to attend the program and wish to purchase a set of materials.

Your Privacy: We will keep all information that you provide to us in strict confidence, other than to prepare a delegate list containing your name, title, firm and city for our faculty and the program delegates. We do not share our mailing lists with any non-affiliated organization.

Cancellations: Full refunds will be given for cancellations (less a \$60.00 administration fee) if notice is received in writing five full business days prior to the program (**April 22nd, 2015**). After that time we are unable to refund registration fees. Substitutions will be permitted. We reserve the right to cancel, change or revise the date, faculty, content, venue, or the availability of webinar for this event.

Course Accreditation: Attendance at this course can be listed for up to **6.5 hours** of continuing professional development with the Law Society of BC.

Registration Form

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PROCUREMENT: THE REAL WORLD

April 29th, 2015
UBC Robson Square, Vancouver, BC

In person Live webinar

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