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TORONTO - December 4, 2018

Thomson Reuters
333 Bay St, 29th Floor, Toronto, ON
M5H 2R2

WEBINAR - December 4, 2018

REGISTER BEFORE NOV. 5, 2018 AND SAVE 25% - USE PROMO CODE:EARLYBIRD2018

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PRICES*:
In-Class & Webinar
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CANCELLATION AND REFUND POLICY:

Full refunds, less a \$250.00 (plus applicable taxes) administration fee, will be given for cancellations received in writing 10 business days before the course start date. Unfortunately, refunds cannot be provided after this date. Substitution of delegates may be made at any time. Please note that Lexpert reserves the right to cancel any course deemed necessary and will, in such an event, make a full refund of registration fees paid. With this said, Lexpert is not responsible for any travel expenses incurred. For reasons beyond the control of the course organizer, it may be necessary to change the subject agenda of the program and no liability is assumed for any such changes in content.

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CONSTRUCTION SECURITY

DECEMBER 4 | TORONTO & WEBINAR

Ontario's new construction legislation provides new standards for construction security packages. Not only are the changes substantive, but the forms for projects are new and changes to the traditional approaches and practices have been introduced. It's a brand new regime of which all stakeholders need to be aware.

COURSE LEADERS



RICHARD SHABAN
PARTNER, BORDEN LADNER GERVAIS LLP (BLG)

Rick Shaban is a senior partner in the Toronto office of Borden Ladner Gervais LLP and a member of the Construction Group. He has over 30 years of experience in the construction industry and focuses on public infrastructure procurement, construction project delivery methods, construction law and surety bonds.

COURSE HIGHLIGHTS

- Changes to Surety Requirements and Bond Forms
- Significant Features of the New Bond Templates
- Public Sector Surety Bonds
- Impact of the Changes on the Security Package

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COURSE LEADER

RICHARD SHABAN, PARTNER, BORDEN LADNER GERVAIS LLP (BLG)



Rick Shaban is a senior partner in the Toronto office of Borden Ladner Gervais LLP and a member of the Construction Group. He has over 30 years of experience in the construction industry and focuses on public infrastructure procurement, construction project delivery methods, construction law and surety bonds. He represents a variety of stakeholders in all aspects of project delivery, including project agreements, negotiations, RFQ/RFP/Tendering, construction disputes, insurance and surety related matters. He has been actively involved in a large number of infrastructure projects – successfully leading transaction teams and closing a number of P3 deals as well as crafting complex project agreements. He also has extensive experience in dispute resolution having resolved countless project disputes including appearances at every level of court including the Supreme Court of Canada.

Rick was named one of the top construction lawyers in the world by Acritas/Sharp Legal and he is also recognized in notable publications including The Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada, Chambers Canada, Who's Who Legal: The International Who's Who of Business Lawyers and The Canadian Legal Lexpert Directory®.

Rick is the Past President and a founding Fellow of the Canadian College of Construction Lawyers and he is also the Co-Director and Advisory Board Co-Chair, Osgoode Hall Certificate Program in Public-Private Partnerships.

SPEAKERS



JAMES MACLELLAN
PARTNER,
BORDEN LADNER GERVAIS LLP

James spends a majority of his time representing sureties on bonding issues across Canada. James has also appeared in all levels of courts in Ontario and Alberta and in the Supreme Court of Nova Scotia.



JOHN MELIA
PARTNER,
BORDEN LADNER GERVAIS LLP

John frequently provides construction management and dispute resolution advice during the course of construction. His varied construction practice also includes litigating lien, trust, delay, deficiency and warranty claims.



DAVID MIACHIKA
PARTNER,
BORDEN LADNER GERVAIS LLP

David practises exclusively in the area of construction, real estate and civil liability dispute resolution. David is also an engineer registered with the *Association of Professional Engineers and Geoscientists of British Columbia (APEGBC)* since 1984.

PROGRAM OUTLINE

8:00 - 9:00 A.M. REGISTRATION AND BREAKFAST

9:00 - 9:45 A.M. CHANGES TO SURETY REQUIREMENTS AND BOND FORMS

What are the main changes?

- i. Surety bonds now mandatory for certain public construction projects
- ii. New template bond forms
 - Holdback repayments bond
 - Labour and Material Payment Bond
 - Performance Bond

9:45 - 10:30 A.M. PUBLIC SECTOR SURETY BONDS

- Apply to all projects valued over \$250,000
- Must be issued by licensed surety
- Coverage must be at least 50% of contract price
- Must protect subcontractors and suppliers
- Payment time limits
- Challenges for mid-size and small firms

10:30 - 10:45 A.M. REFRESHMENT BREAK

10:45 - 11:45 A.M. SIGNIFICANT FEATURES OF THE NEW BOND TEMPLATES

- (a) Generally
 - Embedded claims handling protocol
 - Fixed timelines for responses to claims
 - Template schedule that provides guidance to obligees, claimants and sureties
- (b) Performance Bonds
 - More clarity around extent of coverage for owners' direct costs and for time extensions
 - Borrow from the 2012 SAC Process Enhanced Bond by incorporating the concepts of pre-default and post-default meetings; necessary interim work (formerly emergency work); and mitigation work (formerly remedial work).

- (c) Labour & Material Payment Bonds
 - Broad form bond that includes protection to subcontractors similar to the federal government payment bond
 - Surety must pay undisputed amount
 - Trustee provisions removed

11:45 - 12:15 P.M. IMPACT OF THE CHANGES ON OTHER FORMS OF SECURITY

- Insurance
- Letters of credit
- Sub-Guard

12:15 - 12:30 P.M. QUESTIONS AND COMMENTS

ACCREDITATION

LAW SOCIETY OF BRITISH COLUMBIA

This program has been accredited by the Law Society of British Columbia for up to 3.15 hours towards the professional development requirement for certification.

LAW SOCIETY OF ONTARIO

This program can be applied towards the 9 Substantive Hours of Continuing Professional Development (CPD) required by the Law Society of Upper Canada. This program is eligible for up to 3.15 Substantive Hours

BARREAU DU QUÉBEC

The Barreau du Québec automatically recognizes the same number of hours for this training activity, as long as it has been accredited by another Law Society that has adopted MCLE.

LAW SOCIETY OF ALBERTA

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.

SPECIFICALLY DESIGNED FOR:

This course is essential for lawyers involved in construction projects to understand the current state of the law with respect to critical elements of insurance policies.

- Architects
- Engineers
- Contractors
- Insurance Brokers, Agents and Underwriters
- Lenders
- Owners
- Property Owners
- Developers
- Municipalities
- Claims Adjusters
- In-House Counsel
- Construction Lawyers
- Insurance Lawyers



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