

The Next Decade in Project Delivery: A Time for Transition

Construction and Infrastructure Law



In-Person



Webcast



This program is eligible for up to 2h Substantive

Date: Monday, May 4, 2020 | 2:30 pm to 4:30 pm
Location: OBA Conference Centre
 20 Toronto Street, Toronto, ON M5C 2B8
Program Chairs: **Mark St. Cyr**, Cassels, Brock, & Blackwell LLP
Richard Wong, Osler, Hoskin, & Harcourt LLP

With the dawn of a new decade, construction project delivery options have never been more diverse. While a significant segment of the market continues to approach projects using the traditional design-bid-build method, an ever-increasing proportion of project owners are experimenting with new methods of project delivery. Some owners already familiar with alternative methods of project delivery are now insisting on testing the limits of these alternative approaches. With each new model of project delivery come new challenges for construction and infrastructure lawyers, both on front-end contract negotiations and when, invariably, disputes arise. Join us for a program where our expert panel will walk through several alternative delivery models, identifying key issues and resolution strategies for both the front-end lawyer and the litigator in the context of the new *Construction Act*. Whether a seasoned solicitor, a junior barrister, or anything in between, if you will be practicing in this area of the law in the coming decade, this program will give you a glimpse of what's to come (and what's already here!) and strategies that can be integrated into your practice.

Register now for this unique and essential program.

2:30 pm Welcome & Opening Remarks

2:35 pm **Integrated Project Delivery (IPD) – Recent Growth, Success, and Considerations Under the *Construction Act***

Geza Banfai, McMillan LLP

Dick Bayer, Chairman, The ReAlignment Group, Ltd

Joseph Day, Project Manager, EllisDon

- Front-end perspectives:
 - When IPD works and when it does not
 - Discuss challenges in bringing IPD projects to the market
 - Examine the tripartite agreement and the most contentious terms
 - Prompt Payment in IPD
- Litigation perspectives:
 - Bringing a claim in IPD: IPD Team Members
 - Bringing a claim in IPD: Subcontractors and Suppliers
 - Examining the role of adjudication in an IPD environment

3:10 pm Break

3:15 pm **Alliancing Contracting Model (ACM) – New and improved IPD or Something Else Completely?**

Marty Venalainen, Director, Transaction Legal, Infrastructure Ontario

- What is ACM and how is it different from IPD?
- Front-end perspectives:
 - Distributing risk under the Alliance Development Agreement and the Project Alliance Agreement
 - Insuring and bonding and ACM project
 - Indemnities on ACM projects

- Protecting against insolvencies in ACM

- Litigation perspectives:

- Dispute resolution in an ACM environment
- Examining whether the “no-litigation” approach of ACM is a practical reality in the world of liens, prompt payment, and adjudication

3:40 pm Break

3:45 pm **Alternative Financing Projects (AFP) Under the *Construction Act* - Anticipated Application, Gaps, and Anomalies**

Nana Amponsah, Senior Legal Counsel, Infrastructure Ontario

Sharon Vogel, Singleton Reynolds LLP

- Front-end perspectives:
 - When is a project an “AFP” under the *Construction Act*?
 - Examine the exceptions and exclusions for AFP projects under the *Construction Act*
- Litigation perspectives:
 - Discussion of best practices for advancing claims in an AFP world, including adjudications.

4:20 pm Q&A and Closing Remarks

4:30 pm Program Concludes

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