

EPC CONTRACTS FOR POWER & ENERGY PROJECTS

November 7-8, 2017
Sheraton Suites Galleria-Atlanta
Atlanta, GA



EUCI is authorized by IACET to offer 1.0 CEUs for the course



This event has been approved by the Colorado State Supreme Court Board of Continuing Legal and Judicial Education for 11 CLE credits.

OVERVIEW

Engineering, procurement and construction contracts (EPC contracts) are utilized for the development of power and energy projects. An EPC contract comprehensively addresses all aspects of the design, procurement, and construction of power and energy projects. It sets forth the duties, obligations, and responsibilities of the parties, defines the scope of work, allocates risk among the parties, and sets forth the financial obligations and entitlements of the parties. Understanding the provisions, mechanisms, and concepts regularly utilized in an EPC contract is critical to successfully developing a project from inception to commercial operation.

This course analyzes EPC contracts and their provisions, techniques, and principles.

LEARNING OUTCOMES

Attendees will receive instruction and cover materials that will allow them to:

- Review the contents of an EPC contract, including provisions relating to the EPC contractor's obligations, standards of performance, price and payment, the owner's obligations, mechanical completion, substantial completion, final completion, performance testing, performance guarantees, liability and damages, delay liquidated damages, performance liquidated damages, limitation of liability provisions, warranties, force majeure, delay, scope changes, indemnification, insurance, termination and default, confidential information, and dispute resolution
- Discuss best practices for negotiating and drafting an EPC contract for a power and energy project
- Anticipate problem areas and potential claims and techniques for avoiding them

WHO SHOULD ATTEND

- Project development and construction executives
- Senior project managers
- Owner representatives
- Legal counsel
- EPC contractors
- Project lenders
- Project insurers



"This course will help my firm to better conduct our commercial activities related to building power plants. By giving me a broader understanding of EPC contracts and planning, I can more effectively manage my team and development resources."

SVP, API-LLC



"Great course! Touched base on all aspects of my interest. Especially LOD's."

Contracting, VELCO

AGENDA

TUESDAY, NOVEMBER 7, 2017

8:30 – 9:00 am **Registration and Continental Breakfast**

9:00 am – 5:00 pm **Course Timing**

12:00 – 1:00 pm **Group Luncheon**

EPC Contracts and Power & Energy Projects

- What are they and why are they used?
- Overview of a Typical EPC contract

Anatomy of an EPC Contract for a Power & Energy Project

- The EPC Contractor’s obligations
- Standards of performance
- Price and payment
- The Owner’s obligations
- Mechanical completion, substantial completion, and final completion
- Performance testing and performance guarantees
- Liability and damages, delay liquidated damages, and performance liquidated damages
- Limitation of liability provisions
- Warranties
- Force majeure
- Delay
- Scope changes
- Indemnification
- Insurance
- Termination and default
- Confidential information
- Dispute resolution



“This course helped me learn in 1 day what it took me years to learn on the job.”

Engineer, US Dept. of Energy

WEDNESDAY, NOVEMBER 8, 2017

8:30 – 9:00 am **Continental Breakfast**

9:00 am – 12:15 pm **Course Timing**

Negotiating EPC Contracts for Power & Energy Projects

- Best practices, practical approaches

Avoiding and Managing Claims

- Common claims and their causes
- Best practices for avoiding and managing claims and disputes
- Navigating the disputes process



“Excellent insight and education of EPC contracts from experienced attorneys.”

Project Specialist-Major Projects, SDG&E

INSTRUCTOR



Judah Lifschitz, Esq.

Principal and Co-President / Shapiro, Lifschitz & Schram

Judah Lifschitz is Principal and Co-President of Shapiro, Lifschitz & Schram and has extensive experience representing clients in the power and energy sector with regard to EPC contracts and construction of power plants. Mr. Lifschitz's clients include utilities, merchant energy owners, and developers. Mr. Lifschitz's experience includes winning one of the largest liquidated damages awards in the history of the construction industry relating to the late completion of a 1,080-megawatt combined cycle power plant in NY.

Mr. Lifschitz is an extraordinarily experienced trial attorney having tried cases to verdict in virtually every type of adjudicative forum – state and federal bench and jury trials, arbitrations, and Boards of Contract Appeals.

Mr. Lifschitz received a bachelor's degree in 1974 from Yeshiva University, magna cum laude. In 1977 he received his juris doctor from George Washington University. He is regularly recognized as a Super Lawyer and a preeminent lawyer by Martindale-Hubbell. Mr. Lifschitz writes and lectures frequently on topics relating to construction law, EPC contracts, and power and energy.



Daniel A. Kapner, Esq.

Shapiro, Lifschitz & Schram

Daniel A. Kapner, Esq. is a member of Shapiro, Lifschitz & Schram's construction law, litigation and trial, and power and energy groups. Mr. Kapner has significant experience advising owners, contractors, and other clients to help achieve solutions to complex construction disputes. Prior to joining Shapiro, Lifschitz & Schram, Mr. Kapner was an associate at White & Case LLP where he represented foreign sovereigns and private entities in arbitrations involving EPC project disputes.



"Judah was able to deliver an abundance of information about EPC contracts using his vast experience while providing interesting examples to reinforce understanding and retention of the information."

Engineering Manager, NV-5



"Judah masterfully weaves his legal knowledge & experience to present the program material."

Project Manager I, SDG&E



"Very detailed and comprehensive subject matter. Knowledge presented in an exceptionally interesting manner."

Attorney, Andrews Kurth

REQUIREMENTS FOR SUCCESSFUL COMPLETION

Participants must sign in/out each day and be in attendance for the entirety of the course to be eligible for continuing education credit.

INSTRUCTIONAL METHODS

PowerPoint presentations and case studies will be used for this course.

PROCEEDINGS

The proceedings of the course will be published, and one copy will be distributed to each registrant at the course.

EVENT LOCATION

A room block has been reserved at the Sheraton Suites Galleria-Atlanta, 2844 Cobb Pkwy SE, Atlanta, GA 30339, for the nights of November 6-7, 2017. Room rates are \$169 plus applicable tax. Call **1-770-955-3900** for reservations and mention the EUCI event to get the group rate. The cutoff date to receive the group rate is October 6, 2017 but as there are a limited number of rooms available at this rate, the room block may close sooner. Please make your reservations early.

IACET CREDITS



EUCI has been accredited as an Authorized Provider by the International Association for Continuing Education and Training (IACET). In obtaining this accreditation, EUCI has demonstrated that it complies with the ANSI/IACET Standard which is recognized internationally as a standard of good practice. As a result of their Authorized Provider status, EUCI is authorized to offer IACET CEUs for its programs that qualify under the ANSI/IACET Standard.

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CLE CREDITS



We are proud to announce that the State of Colorado Supreme Court Board of Continuing Legal & Judicial Education has recognized EUCI as a sponsor of continuing legal education activities.

This event has been approved by the Colorado State Supreme Court Board of Continuing Legal and Judicial Education for 11 CLE credits.



"Course content was very relevant and the speaker was very engaging and knowledgeable."

Sr. Project Manager, Iberdrola Renewables

REGISTRATION
to register [CLICK HERE](#) or

Call: 201 871 0474
fax: 253 663 7224
email: register@pmaconference.com
web: <http://pmaconference.com/>
Mail: POB 2303 Falls Church Va 22042

Please make checks payable to: "PMA"

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PLEASE REGISTER

EPC CONTRACTS FOR POWER & ENERGY PROJECTS COURSE
 NOVEMBER 7-8, 2017: US \$1495,
 Early bird on or before October 20, 2017: US \$1295

How did you hear about this event? (direct e-mail, colleague, speaker(s), etc.)

Print Name Job Title

Company

What name do you prefer on your name badge?

Address

City State/Province Zip/Postal Code Country

Phone Email

List any dietary or accessibility needs here

CREDIT CARD INFORMATION

Name on Card Billing Address

Account Number Billing City Billing State

Exp. Date Security Code (last 3 digits on the back of Visa and MC or 4 digits on front of AmEx) Billing Zip Code/Postal Code

OR Enclosed is a check for \$ _____ to cover _____ registrations.

Substitutions & Cancellations

Your registration may be transferred to a member of your organization up to 24 hours in advance of the event. Cancellations must be received on or before October 6, 2017 in order to be refunded and will be subject to a US \$195.00 processing fee per registrant. No refunds will be made after this date. Cancellations received after this date will create a credit of the tuition (less processing fee) good toward any other EUCI event. This credit will be good for six months from the cancellation date. In the event of non-attendance, all registration fees will be forfeited. In case of course cancellation, EUCI's liability is limited to refund of the event registration fee only. For more information regarding administrative policies, such as complaints and refunds, please contact our offices at (201) 871-0474.