

# Positioning Yourself for the WIN!



## Finance & Contract Administration Council

September 12-13, 2013

Indianapolis, Indiana

Register using the enclosed form or at [www.wwema.org](http://www.wwema.org).

## New This Year!

You told us you want more time to interact and delve into each topic. We've expanded this year's program by three hours, allowing more time for Q&A and idea-sharing. Come prepared to ask questions and share your experiences!

## Testimonials FROM 2012:

*"Knowledge is power. We are all told by customers that we are the only ones who take exception to terms and conditions. At this meeting, we all learned we are not the only ones."*

*"The content was perfect and on point; I could not have asked for more."*

*"The sessions were on target and very informative."*

### 2013 Planning Committee

Jim Brown, Degremont  
Technologies North America

Susan Button, Xylem Inc.

Brian Harrell, Hydro  
International

Marcia Reuben, Severn Trent  
Services

## Thursday, September 12

8 - 8:30 a.m.

### Registration and Continental Breakfast

8:30 - 10:30 a.m.

### Negotiation Skills

*Alan Fishel*

How do you position yourself for the win? (or the win-win?) Join attorney and experienced negotiation skills trainer Alan Fishel for a session on how to successfully draft and negotiate favorable contracts.

Alan Fishel is an attorney at the Washington, D.C., law firm Arent Fox, where he is a partner in the Communications, Technology & Mobile group, Antitrust & Competition Law group, Government Relations/Political Law group and Sports Law group. He practices regularly in front of the Federal Communications Commission and is nationally recognized for his advocacy and transactional skills. Fishel also provides seminars to in-house counsel, including for a chapter of the American Association of Corporate Counsel, regarding how to most effectively negotiate agreements.

10:45 a.m. - 12:15 p.m.

### Design-Build and Process Guarantees

*Jim Brown*

What does the growing trend toward design-build, particularly prevalent in the industrial space, mean for water and wastewater equipment manufacturers? What are the potential pitfalls and risks associated with these new forms of agreements, and how can you avoid or mitigate them? What can you do to protect yourself and your interests while still serving the needs of the customer?

Jim Brown is corporate counsel for Degremont Technologies North America. In this capacity, he provides commercial legal services for Infilco Degremont, Ozonia North America, Water & Power Technologies, Ameri-Water, Anderson Water Systems, and Degremont Ltee. He received his bachelor's degree in general engineering from the U.S. Military Academy at West Point and his juris doctorate from George Mason School of Law.

12:15 - 1:15 p.m.

### Networking Lunch

*Included with your registration*

1:15 - 2:45 p.m.

### Insurance and Indemnity

*Marcia Reuben and Charles Surasky*

True or False: The indemnity obligations you agree to in a contract are covered by insurance? This session will explore how contractual indemnity clauses may be viewed by insurance companies and the connection between the contract and the insurance policy with respect to indemnity obligations. Marcia Reuben will examine elements of an indemnity clause that may or may not be insured; the contractual liability clause in the general liability policy; and the duty to defend vs. indemnify. Charles Surasky will share actual adjudicated cases related to each of these issues, including the implications of the courts' rulings on your business.



# 2013 Finance & Contract Administration Council Program

Marcia Reuben is director of contracts and risk management for Severn Trent Services in Fort Washington, Pennsylvania. A CPA and MBA with 35 years of experience in financial management, contracting, and risk management, she works extensively with contract indemnity and insurance requirements. She holds an Associate in Risk Management certification.

Charles Surasky is a lawyer and partner with Smith, Currie & Hancock LLP in Atlanta, Georgia. Since 1978, his practice has been devoted exclusively to the construction industry. He specializes in the trial and arbitration of complex construction disputes involving both private and government contracts. His wide range of trial experience includes actions in state and federal courts, arbitrations, and hearings before the federal boards of contract appeals. He has extensive experience with mediation and other forms of alternative dispute resolution.

2:45 - 3:15 p.m.

## **ConsensusDocs**

*Jim Brown*

ConsensusDocs ([www.consensusdocs.org](http://www.consensusdocs.org)) is a coalition of 39 associations in the design and construction industries working together to develop and promote standard construction contract documents. Jim Brown will update you on the coalition's efforts and will solicit attendees' input regarding what additional documents are needed.

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3:30 - 5 p.m.

## **Surety Bonds**

*Ed Reilly*

Posting surety bonds to others and collecting on surety bonds taken to secure performance from your subcontractors are both processes that can be fraught with bureaucracy, and requirements often differ from state to state. In this session, surety bond expert Ed Reilly will review some common situations your organization may face regarding surety bonds and shed some light on issues such as how best to collect on bonds, how to file claims against them, surety rights and obligations, state timeline requirements, and more.

Ed Reilly has more than 20 years of surety underwriting and legal experience and currently is a senior vice

president at Aon, a global provider of risk management, insurance and reinsurance brokerage, and human resources solutions and outsourcing services. He works with the firm's Aon Risk Solutions surety team, both in the greater New York area as well as with surety professionals throughout North America providing surety support and advice to a number of regional and national contractor and commercial clients. He is active in a number of industry associations and currently serves as a vice chair of the American Bar Association's Fidelity and Surety Law Committee.

6 - 8 p.m.

## **Dinner at Lorenzo's**

*Included with your registration*

Enjoy an exquisite Italian dinner while networking with colleagues at the conclusion of the first day's program.

## **Friday, September 13**

9 a.m. - 12 noon

### **Top 5 Killer Contract Terms**

*Moderators: Bob Winslow and Charles Surasky*

In this highly interactive session, we'll explore the potential perils of the Top 5 Killer Contract Terms:

- Limitations of Liability
- Consequential Damages
- Warranties/Performance Guarantees
- Payment Terms/Retainage
- Indemnity Clauses

Prior to the event, attendees will receive an outline of information on each of these topics and will be asked to come prepared to share their own real-world experiences and outcomes regarding these terms.

Bob Winslow is director of risk management for Infilco Degremont and its North American subsidiaries and affiliates. With more than 40 years of experience in contract management, collections, corporate insurance, and risk management, his current responsibilities include bid and contract reviews, participation in customer negotiations, and procurement of property and casualty insurance and bonding for the Degremont Group in North America.

Charles Surasky is a lawyer and partner with Smith, Currie & Hancock LLP in Atlanta, Georgia. Since 1978, his practice has been devoted exclusively to the construction industry. He specializes in the trial and arbitration of complex construction disputes involving both private and government contracts. His wide range of trial experience includes actions in state and federal courts, arbitrations, and hearings before the federal boards of contract appeals. He has extensive experience with mediation and other forms of alternative dispute resolution.

# 2013 Finance & Contract Administration Council Registration

## Registration

Please complete and return this form along with the registration fee by **August 29, 2013**. Space for this event is limited and available on a first-come, first-served basis. (Please note that registration also is available online at [www.wwema.org](http://www.wwema.org).) WWEMA members are eligible for a discounted registration fee of \$295. The fee for non-members is \$450. Your fee includes all meeting materials as well as a continental breakfast, lunch and dinner on Thursday.

☐ WWEMA Member (\$295)    ☐ Non-member (\$450)

Name (as you would like it to appear on your badge): \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

## Payment

☐ Check (payable to WWEMA)    ☐ Visa    ☐ MasterCard    ☐ AmericanExpress

Card Number: \_\_\_\_\_

Expires: \_\_\_\_\_ Security ID#: \_\_\_\_\_

Billing address for card (req'd): \_\_\_\_\_

\_\_\_\_\_

## Accommodations

Our program will be held at the law offices of Barnes & Thornburg, located in the historic Merchant Bank Building at 11 S. Meridian St., Indianapolis, IN 46204. Our host hotel is the Hampton Inn Downtown Indianapolis at 105 S. Meridian Street, a two-block walk from the meeting site. A discounted room rate of \$144 per night is available until **August 13, 2013**. Requests for accommodations after that date will be accepted on a space-available basis. To make reservations, call 317.261.1200 and identify yourself as part of the WWEMA block (Group Code WWE). Reservations also can be made online using WWEMA's dedicated site via [www.wwema.org](http://www.wwema.org).

## Cancellation Policy

Registration cancellations received by September 5, 2013, will receive a full refund, less a \$35 processing fee. Cancellations received after September 5 cannot be refunded due to commitments to service providers.



WWEMA  
PO Box 17402  
Washington, DC 20041  
Fax: 703.444.1779  
Questions? Call 703.444.1777 or email [linda@wwema.org](mailto:linda@wwema.org).