

# **What's a Construction Lawyer Anyway?**



# Your Panel

- ▶ Lori Wisniewski Azzara, Cohen Seglias Pallas Greenhall & Furman, PC
- ▶ Chad Michaelson, Meyer Unkovic & Scott, LLP
- ▶ Julian Neiser, Spillman Thomas & Battle, PLLC

# Agenda

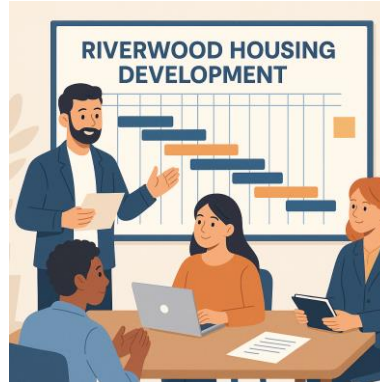
## Construction from Start to Finish

- ▶ Conceptual Design/Project Structure
- ▶ Contract Drafting and Negotiation
- ▶ Compliance
- ▶ Project Management
- ▶ Claims and Disputes



# Project Planning

- It starts with an idea...
- Public vs. Private
- Many, many players
  - Owner
  - Funders
  - Design Team → Architects, Engineers, Subconsultants
  - Construction Team → General Contractor, Subcontractors, Suppliers
  - Sureties, Insurers
  - Authorities Having Jurisdiction
- Project Delivery Systems



# Contracts

- Many Players = Many Contracts
  - Coordination and Consistency
- Form vs. Custom Agreements
- Commercial Terms
  - Cost, Time, Quality
- Legal Terms
  - Allocation of Risk (among parties, insurers, etc.)
  - Many known unknowns
- Each Party Has Its Own Perspective
  - Owner
  - Designer
  - Contractor

# Compliance

- Public Procurement
  - FAR
  - Separations Act
  - Bid Protests
- Grant Compliance
  - Prevailing Wages, Bonding, Steel Procurement
- Disadvantaged Business Enterprise Programs
- Licensure
- Permitting
  - PA Uniform Construction Code

# Project Management

- **Payment**

- Progress Payments
- CASPA and the subcontractor's predicament
- Lien Protections

- **Known/Unknowns**

- Owner Changes
- Design Errors
- Scheduling and Delays
- Casualty Events

- **Default**

- Grounds for Default
- Impact of Termination
- Assignment of Subcontracts
- Role of Lenders and Sureties



# Claims and Disputes

- Changes to Contract Scope, Sum or Time
- Informal Methods
  - Initial Decision Maker
  - Dispute Resolution Boards
- Surety Claims
- Liens
- Dispute Resolution Strategy
  - Mediation
  - Arbitration
  - Litigation
  - Jurisdictional considerations