When Pre-Bid Information Turns Out to Be Wrong

White Paper

When conditions are encountered on a construction project that are contrary to the information provided to bidders, the parties' contract should provide a roadmap for how the parties ought to proceed, writes Timothy W. Gordon.

Managing Project Risk With Enforceable Indemnity Agreements

White Paper

Because indemnity agreements often are strictly construed against the party seeking indemnification, careful drafting is especially important.

Limitations of liability: Waivers of Consequential Damages

Article

No contractor wants to accept the risk that any one breach

could lead to the financial ruin of its company.

Antique Insurance Requirements Can Torpedo Your Contract

Article

The tendency to keep once-useful pieces in a contract can result having the equivalent of the human appendix: a piece no longer of any positive use and that harbors the potential for harm.

The Trend Towards Liability Waivers in Design and Construction

White Paper

General contractors and architects need to be on guard against sub-tier liability waivers often lurking in the fine print or at the end of lengthy proposals.

Negotiating Equipment Rental Contracts With Large Customers

White Paper

Most of the risks can be limited or eliminated, but doing so requires a very clear understanding of your equipment, your customers, your surroundings and your legal exposure.

Contractor Licensing: What You Don’t Know Can Hurt You

White Paper

Failure to follow contractor licensing laws can have draconian consequences, writes Kraftson Caudle of Virginia on its blog.

Everything You Need to Know About Construction Contracts

White Paper

Although construction contracts have changed over the years, there are still some basic guidelines to follow when creating a contract.

What Every Contractor Needs To Know About Mediation

White Paper

It is rare that a construction claim goes to trial without some effort at mediation first. Indeed, a substantial percentage of construction contracts require mediation as a precondition to filing suit or demanded arbitration.

Real Estate Development and Construction Contracts: What You Need to Know

White Paper

Matthew DeVries of Burr & Forman offers a few items to think about when drafting contracts, relying on a book titled “Courses on Drafting Contracts.”

AAA Revises Construction

Industry Arbitration Rules and Mediation Procedures

White Paper

Pillsbury Winthrop Shaw Pittman has posted an article about the American Arbitration Association's revised Construction Industry Arbitration Rules and Mediation Procedures which became effective July 1, 2015.

Oral Warranties: Are They Enforceable?

White Paper

Not all construction contracts are written, and contractors don't always provide a written policy at the end of a project, writes Austin B. Calhoun of Florida-based Jimerson & Cobb. This raises the question: are oral multi-year warranties enforceable?

Jason S. Samuels Named Chair of Nassau County Bar Association's Construction

Law Committee

NEWS

Farrell Fritz partner Jason S. Samuels was recently appointed Chair of the Nassau County Bar Association's (NCBA) Construction Law Committee.

Indemnity and Insurance Provisions in Construction Contracts

White Paper

It is necessary to pay close attention to the interplay between indemnity and insurance to ensure the objectives of the parties are achieved in a construction contract.

$663 Million in Penalties for Maker of Guardrail

NEWS

At least 14 lawsuits blame the Trinity Industries guardrails for causing injuries in crashes, including five deaths.

Auditing Construction Contract Change Orders

On-Demand

A free on-demand webinar posted by Baker Tilly discusses the finer points of dealing with change orders in construction projects.

GAO: Performance-Based Contracts Are the Way to Go

NEWS

Performance-based contracting received a boost when the Government Accountability Office found that the U.S. Department of Transportation is making progress in moving toward a national performance-based approach.

Best Practices in Construction

On-Demand

Jennifer Horn and Maria Panichelli presented the second webinar in their core construction curriculum series for Women

Impacting Public Policy and Give Me 5%.

Auditing Engineer-Procure-Construct (EPC) Projects

On-Demand

Baker Tilly presents a complimentary on-demand webinar discussing how to analyze an engineer-procure-construct contract for risk and plan to audit EPC projects.

Performing Construction Contract Risk Analysis

On-Demand

Baker Tilly hosts a complimentary on-demand webinar on how to analyze a contract for project risk and learn how to develop a risk mitigation plan.