

# 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.

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# 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.

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# 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.

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# **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.

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# **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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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."

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# 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.

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# 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?

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# 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.

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## **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.

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## **\$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.

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# 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.

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# 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.

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# 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%.

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# 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.

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# 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.