Sargeant Marine Pleads Guilty to FCPA Charges and Agrees to Pay $16.6M

NewsSargeant Marine, an asphalt company, plead guilty to one count of conspiracy to violate the anti-bribery provisions of the FCPA and agreed to pay a fine of $16.6 million for bribery schemes in Brazil, Venezuela and Ecuador.

Southern California Edison Settles 2017 Wildfire, 2018 Mudslide Claims for $1.1B

NewsSouthern California Edison will pay over $1 billion to settle litigation over the 2017 Thomas and Koenigstein fires and subsequent mudslides that followed in the community of Montecito.

A.G. Healey Gets $380K Settlement with Company that

Failed to Hire Minority and Woman Subcontractors

News

Attorney General Maura Healey has reached a $380,000 settlement with a Canton-based building contractor accused of falsely claiming they had hired minority- and women-owned subcontractors as required on a $15 million dollar state project.

Substantial Completion Defined

Insights

Substantial completion is a legal term found in construction contracts to define that stage of a contractor’s work which is sufficiently complete in accordance with the applicable construction agreement.

Use Precise Draftsmanship to Avoid or Obtain a Brokerage Commission Payment

Insight

When negotiating exclusive listing agreements or other forms

of commission agreements any right to a commission after a broker’s agency has expired must be discussed and memorialized in a contract.

Why Change Orders Matter

Insight

Changes are often needed in the course of a construction project. And those changes typically include work that is either added or removed from the original scope of work.

The Case of the Missing Apostrophe in the Contract

Insight

The outcome of a suit involving a contract between a general contractor and a subcontractor hinged on an apparently missing apostrophe in the agreement.

Stormy Skies Ahead? Important

News Regarding a Hard Construction Insurance Market

Insight

The construction insurance industry has entered a hard market, seemingly overnight, warns Jason Adams, senior counsel at Gibbs Giden.

ISO Modifies Wrap-Up Exclusion

Insight

Jeffrey J. Vita of Saxe Doernberger & Vita, P.C. discusses a nagging issue frustrating risk transfer for those parties enrolled in wrap-up insurance programs.

Five Must-Haves for Avoiding Risky Disasters – Insurance Procurement Clauses

Insight

A Brouse McDowell Insurance Blog post discusses the drafting of insurance requirements in a contract to ensure that, in the event of a loss arising out of the work performed, parties will have assets available for that loss.

N.J. Appellate Court Confirms that AIA Construction Contract Bars Insurer's Subrogation Claim

News

A New Jersey has confirmed that the waiver of subrogation provision in a commonly used form construction contract precluded an insurer's claims against a subcontractor.

Limiting Liability: Three Clauses to Consider in Construction Contracts

Insight

Gordon & Rees LLP's Construction Law discusses three clauses to consider when writing construction contracts, with an eye to limiting liability and maximizing profits.

Are Contracting Parties Treated the Same When it Comes to Notice Obligations?

Insight

Prudent construction professionals, particularly those doing business with the government, should understand and comply with all notice provisions in their contract, advises Smith, Currie & Hancock.

Indemnification Agreements and Insured Contracts

Insight

When a general contractor engages a sub to perform work on projects, the parties should always reduce their expectations and agreements to a written document in which both sides agree and acknowledge the terms.

What Should be in Every Construction Agreement

Insight

Parties to a construction project can have a better agreement by addressing six topics described in a post in The Lien Zone

blog.

What Not to Do: Construction Contractor Charged With Lying to OSHA

Insight

A case discussed in a Seyfarth Shaw blog provides an important lesson: Don’t lie under oath, especially when there exists discoverable evidence to the contrary.

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12 Things to Consider When Negotiating a Construction Demolition Contract

Insight

A client alert from Neal, Gerber & Eisenberg offers some advice on negotiating a demolition contract.

Teaming Up? Avoid Unenforceable Agreements to Agree

Insight

Teaming agreements are intended to define the relationships, rights and responsibility of all parties involved during both the pursuit of the work.

Texas Court Construes Breach of Contract Exclusion Narrowly in Duty-to-Defend Case

Insight

A recent decision from the Western District of Texas narrowly construed a common breach-of-contract exclusion and held that the insurer had a duty to defend its insured against an underlying lawsuit over construction defects, according to the Hunton Insurance Recovery Blog.

AIA Changes – It’s Time to Convert Before It’s Too Late

Insight

Jeffrey M. Reichard of Nexsen Pruet offers a reminder that the American Institute of Architects (AIA) will discontinue support of older versions of its most popular standard form contracts after Oct. 31, 2018.