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.

Sometimes You Get Away with Unwritten Contracts

Insight

One area where the distinction between written versus unwritten agreements makes a difference is in the calculation of the statute of limitations, points out Christopher G. Hill in his Construction Law Musings blog.

Fixed-Price Contracts Are Simple – Or Are They?

Podcast

There is very little case law guiding the practical approach to fixed-price contracts, but a Pepper Hamilton podcast offers some guidance.

Eliminating the Surprise Factor from Construction Contracts: Tips for Owners and Developers

Insight

On construction projects, owners and developers often are familiar with standard contract language and provisions, but the industry is continually evolving, according to a paper published by Zetlin & De Chiara LLP.

Pay IF Paid: It Means What it Says

Insight

If you are a subcontractor, lookout for language establishing payment from the owner as a condition precedent for payment, warns Bradley Arant Boult Cummings.

A Case Against One-Size-Fits-All Construction Contracts

Insight

Without careful thought and modification to standard forms, developers can find themselves in a difficult position in a delayed and over-budget project, according to a King & Spalding article.

Fast and (Sometimes) Furious: Acceleration and Compensability in Construction Contracts

Insight

A major consideration in acceleration clauses is whether the contractor is getting for the speed up in work, writes Brian L. Lynch for Faegre Baker Daniels.

Webinar: Avoiding Construction Claims and

Disputes

On-Demand

A Baker Tilly on-demand webinar provides an overview of strategies to identify potential claims scenarios and potential resolutions available to mitigate claims.

Construction Contracts: Allowance or Contingency?

Insight

Randolph E. Ruff and Jonathan M. Mraunac of Ogletree Deakins explain the differences between contract allowances and contingencies, how they are used, and how they can be drafted.

AIA Releases 2017 Construction and Design Agreements

Insight

The American Institute of Architects has released several revised documents including the primary agreements between the owner and contractor and the owner and architect, reports Dickinson Wright PLLC.

Mitigation of Construction Defect Litigation – Top 10 Construction Contract Issues

Insight

A construction contract will need to be reviewed thoroughly and revised to better protect the owner, and in the case of residential construction, should in particular, address 10 key issues, advises Rebecca W. Dow in Holland & Hart's Construction Law Blog.

Contract Barred Recovery of Lost Productivity Damages Suffered by Contractor

Insight

It is critical that the parties consider and properly allocate the risk of such delays and the potential resulting costs in the contract documents, advises Robinson+Cole.

When Construction Contracts Go Sideways in Bankruptcy

Insight

When a contractor on a project files a bankruptcy case, the property owner and subcontractors have some serious decisions to make, writes Tracy Green in the California Construction Law Blog.

The Importance of Clear Contract Terms

Insight

Care in contract drafting is a valuable way to avoid disputes, writes Michael Wilson in Greensfelder, Hemker & Gale's Construction Law Blog.

What to Consider When Preparing Construction Contracts

Insight

It's important for parties entering into any significant economic transaction to have written contracts, especially for construction projects, writes Jason T. Strickland for Ward and

Smith, P.A.

Six Questions Owners Should Answer Before Entering a Construction Contract

Insight

There are six questions that an owner can ask to evaluate what rights and obligations it will have upon entering into a construction contract, writes Daniel Bradfield, a partner in Arnall Golden Gregory LLP.

Preventing Limitation of Liability End-Runs

Insight

Owners who are dissatisfied with their contractors' performance increasingly assert fraud-based claims in addition to breach of contract claims because fraud-based claims are not typically barred by contractual waivers and limits of liability, according to a client alert published by Pepper Hamilton.

Top 10 Questions Owners Should Ask Before Signing a Construction Contract

Insight

Construction contracts are often such voluminous documents that it can be difficult for owners to recognize and adequately negotiate the key terms that play the largest role in how construction risk and costs are allocated, writes Mike Madigan for Kegler, Brown, Hill + Ritter.

The Contract Isn’t Signed, a Few Issues Remain, the Work is Done; Now What?

Article

Parties who allow the schedule to control performance without resolving the paperwork could find themselves in a mess, particularly if the back-and-forth on contract terms never stops, writes Stan Martin of Commonsense Construction Law.

Consideration of Force

Majeure in Construction Contracts

Article

Before entering into a construction contract, consider how force majeure events are evolving in today’s world, advise Jonathan Massell and David A. Senter of Nexsen Pruet on the firm’s website.