Construction

OVERVIEW

Please click here to read the latest edition of Eckert Seamans' Construction Law Newsletter.

Eckert Seamans' Construction Group provides comprehensive legal services representing all of the different participants, including public and private owners, developers, contractors, subcontractors, suppliers, design professionals and bonding companies. Our attorneys bring to bear a wide range of experience on various projects of national and international scope and prominence. Representative projects include mass transit systems, sports stadiums, hydroelectric plants, steel mills, water and wastewater plants, dams, schools, office buildings, roads and bridges, factories and process facilities, gantry cranes, ports, power plants, state capitol buildings, hotels and casinos, greenhouses and numerous other types of commercial, industrial and governmental projects.

We assist clients with the legal aspects of all phases of construction, including:

- Bidding and procurement
- Contract drafting and negotiation
- Contract administration
- Government contracts
- Regulatory compliance
- Dispute resolution and litigation

Attorneys in the Construction Group thoroughly understand the construction business and construction law. As a complement to our years of experience practicing construction law, we serve as arbitrators and mediators for the American Arbitration Association and federal and local courts, lecture before construction industry trade groups, deliver seminars and briefings to clients and are widely published in construction industry trade periodicals. We have developed an extensive network of consultants and industry experts with whom we work to solve client problems.

Our attorneys provide the legal assistance necessary to see a construction project from financing to resolution of post-construction claims and litigation. We advise on how to resolve contractor work stoppages, contractor defaults, subcontractor and supplier bankruptcies, payment disputes and labor strikes.

In case of a dispute or claim, we help clients develop strategies for quick and early resolution, evaluate settlement options and, if required, take the case to trial. Our goal is to get the best possible result for the client in the least amount of time for the lowest cost. Proper documentation, damage mitigation tactics and skillful legal positioning from the start can lead to early settlement or a more effective presentation of the client's claim.

Eckert Seamans is committed to providing clients with the most cost-effective legal services possible. We assign to a case only the staff absolutely necessary to achieve our client's objective. We use advanced document management technologies to help control costs and increase efficiency.

BIDDING AND PROCUREMENT

Eckert Seamans' attorneys advise clients on all aspects of government and private bidding. We provide knowledgeable counsel to clients reviewing bid specifications and filing bid protests. We represent bidders in bid protests before federal and state courts and government agencies.

CONTRACT DRAFTING AND NEGOTIATION

We assist clients in contract negotiations, contract preparation and coordination, and in structuring procurement arrangements such as joint ventures, teaming agreements and takeover agreements. We have helped clients structure complex transactions for the development of power plants and industrial plants and for commercial, retail, residential and government projects.

Eckert Seamans' attorneys are experienced in negotiating financing for private, public and public/private partnership projects, assisting with land use issues, environmental protection requirements and government design approvals, preparing contract documents, and forming joint ventures, design/build teams and other risk-allocation arrangements.

CONTRACT ADMINISTRATION

Eckert Seamans' attorneys advise clients on managing relationships with their customers and subcontractors on a project. We analyze change orders, delays, cost overruns, defective specifications, changed conditions and other factors to identify trouble spots before they can jeopardize a project. We advise clients on managing contract documentation in a way that maximizes its effectiveness as evidence in a dispute.

We provide legal and strategic advice on closing out projects. A project encumbered by claims often requires special payment terms, settlement agreements and liquidation agreements. Closing out or administering a project involving an underfinanced or insolvent party often requires legal counsel to sort out and then resolve complex issues pertaining to bankruptcy, bonds, liens, joint check arrangements, secured transactions and workouts.

GOVERNMENT CONTRACTS

Our attorneys advise government contractors on numerous issues, including the impact of government payment policies and regulations, the interpretation of contract clauses, including technical specifications, quality assurance, delivery, direct and indirect costs, contract changes and small business matters. We also advise on the statutory and regulatory requirements of federal and state laws relevant to construction.

REGULATORY COMPLIANCE

Our attorneys provide assistance with local, state and federal regulations governing construction projects including those pertaining to:

- Environmental protection;
- Occupational safety and health;
- Equal employment opportunity;
- Workers' compensation;
- Davis-Bacon Act;
- Federal acquisition regulations;
- Prompt payment statutes;
- Disadvantaged business enterprise programs;
- Licensing requirements.

DISPUTE RESOLUTION AND LITIGATION

Our goal is to resolve disputes early, before they balloon into costly, time-consuming litigation that can sap a business. We develop legal and negotiating strategies that maximize the opportunity for a negotiated settlement and minimize the risk of monetary loss while striving to preserve strategic business relationships. If a dispute ends up in litigation, we continue to look for ways to settle it to obtain the best results for the client.

The Eckert Seamans Construction Law Group has considerable experience assisting clients in resolving disputes through dispute resolution boards, mediation and arbitration, mini-trials and claim audits, and bench and jury trials. Our attorneys regularly serve as arbitrators and mediators, which attests to their thorough knowledge of the construction industry, its practices and standards.

If a dispute cannot be resolved amicably, we vigorously work to achieve our clients' objectives. We have represented clients in over 40 states, before federal and appellate courts and before domestic and international tribunals on a wide variety of construction related disputes, including delay, impact, loss of productivity, differing site conditions, extra cost, default and defective design claims.

Our attorneys regularly serve as arbitrators for the American Arbitration Association and in private arbitrations. They also are called on to serve as mediators in disputes.

We also are members of a variety of professional and trade organizations, such as the American General Contractors Association, Construction Financial Management Association, Master Builders Association, Associated Builders and Management Association, Associated Builders and Contractors, Inc., General Building Contractors Association, ABA Forum on the Construction Industry and the Pennsylvania and Allegheny County Bar Association Construction Litigation Committees.