



## Construction

Farella Braun + Martel's Construction Counseling & Dispute Resolution Group represents public and private owners, contractors, subcontractors, suppliers and design professionals throughout the United States and overseas on projects ranging from power plants, renewable energy projects, hospitals, water and waste treatment facilities, dams, airports, roadways and jails to university housing, laboratories and classrooms, commercial, mixed-use and multi-family residential developments.

Our expertise extends to all stages of the construction process, including identifying and defining appropriate project delivery systems; negotiating and drafting design and/or construction contract documents and financing agreements; identifying, assessing and allocating risk; defining and structuring insurance programs; initiating risk management and control programs; defining and negotiating surety bonds; developing and implementing contract administration claims avoidance and resolution procedures; preparing claims; and resolving disputes, either amicably, or through trial or arbitration. In a pragmatic and cost-efficient manner, we assist our clients in overcoming the challenges that confront them at each step. We also minimize costs by utilizing in-house litigation support staff to control and customize the technological support that clients require to effectively review and manage documents.

We counsel clients on the use of both traditional and alternative delivery systems (e.g., design/build, design/build/operate, integrated project delivery, CM at risk, multiple prime contracting, operations/maintenance with embedded capital improvements, and engineer/procure/construct), and alternative funding approaches, such as public-private partnerships. We also work with clients on issues relating to requests for qualifications/proposals, responsive/non-responsive bids, bid protests, change orders, time extensions, extra work, retention proceeds, contractor non-performance, stop notices, mechanics' liens, and performance and payment bonds. We prosecute, defend and resolve claims involving defective and/or nonconforming work, incomplete and/or defective design, delays, acceleration, disruption and loss of efficiency, additional compensation, differing site conditions, impact damages, actual damages, liquidated damages, and terminations for default or convenience, as well as state and federal Civil False Claims Act violations.

Although we are first and foremost experienced trial lawyers, we realize construction disputes are costly and disruptive, and we work with clients to resolve them as quickly and efficiently as possible. We recognize, however, that in an industry as competitive and complex as construction, disputes are inevitable and sometimes cannot be resolved without trial or arbitration. We also are an industry leader in the use of various alternative dispute resolution procedures. Litigants regularly seek out our attorneys to act as arbitrators, mediators and special masters in complex construction disputes. In this capacity, we have traveled extensively throughout the United States and resolved hundreds of millions of dollars worth of construction-related claims and disputes.

In addition, the strength of our Environmental, Real Estate and Insurance Coverage practices allows us, unlike most firms, to offer project development services from start to finish. We work closely together to assist clients in structuring their ownership and investment entities, identifying potential project sites, conducting due diligence reviews, negotiating, financing and acquiring sites, entitling projects pursuant to land use regulations, and allocating and protecting against risks which arise both during and after construction. We also provide comprehensive advice regarding property management, leasing and disposition issues.

## Contacts

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## Areas of Focus

Commercial Construction  
Energy / Utilities  
Public Facilities  
Public-Private Partnerships  
Transportation  
Water and Wastewater  
Treatment

## Related Practices

Environmental Law  
Insurance Recovery  
Real Estate and Land Use  
Renewable Energy and Clean  
Technologies