

Practices & Industries

Construction

Overview

Day Pitney's Construction practice is comprised of lawyers skilled in both the transactional and litigation aspects of construction projects. Our lawyers advise clients on the distinct, yet interrelated, issues that often arise in the construction setting including financing, tax, real estate transactional, zoning, municipal, commercial and environmental law.

We represent private and public clients across a broad spectrum of projects and transactions, both large and small, including public/private partnerships, new construction, renovations and modifications. We advise on the legal challenges presented in the design, development, and procurement process of construction projects, including the development of requests for proposal and bid evaluation, and we assist clients with the negotiation and drafting of contracts. We also represent clients at agency and commission hearings, such as those held before the Nuclear Regulatory Commission, the U.S. Environmental Protection Agency and the state departments of labor, public utilities and environmental regulation. Similarly, we have experience with inland wetland, conservation, siting and planning and zoning boards, councils and commissions. Once a project is under way, we provide practical guidance with regard to the myriad of issues that can arise throughout the construction process.

When disputes arise and litigation is threatened, we have the depth and resources necessary to diligently protect our clients' interests in any forum, including state and federal courts, and before administrative agencies, as well as in mediations, arbitrations and other alternative dispute resolution forums. We also have the trial experience required to achieve favorable decisions for our clients or to negotiate successful and favorable settlements. While seasoned and ardent advocates for our clients in the courtroom, our trial lawyers are always mindful of the business contexts surrounding our clients' construction projects and disputes, and we work together with our clients to generate strategies and pursue outcomes that address their needs both in the trial arena and on the job site.

Experience

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome.

- Transactional Matters:
- Representation of a Fortune 100 company for its 240,000-square-foot manufacturing and office building in Buffalo, NY, including land acquisition, arrangement of state and local government incentives and construction contract negotiation.
- Representation of a performing arts center in the construction of a new 90,000-square-foot building containing a 918-seat theater, classrooms and administrative offices, including negotiation of construction management, architect and engineering contracts.
- Representation of several educational institutions with respect to construction management agreements for numerous building projects, including free-standing buildings, building additions and development of a ground-leased biotechnology park.

- Representation of an institutional investor in a construction management agreement for a retail mall addition and design architect, landscape architect and construction management contracts for renovation of a 368-unit apartment project.
- Representation of an owner/developer of a $90 million hotel/conference center in all phases of development, including architectural and construction contracts.
- Representation of a power company as owner of 30MW combined cycle cogeneration units in New England.
- Representation of an engineering company in connection with its bid to become the turnkey construction contractor for a combined cycle power plant and turnkey construction contractor for a hydroelectric project.
- Representation of a biotech firm in connection with an architectural agreement and construction management agreement for outfitting of biotech space in a warehouse building.
- Representation of nuclear utilities in the process of decommissioning with various construction contracting matters including negotiation of contracts for demolition, waste disposal and waste transportation.
- Representation of an engineering, procurement and construction consortium in bidding for a 250 MW combined cycle plant in Rhode Island.
- Representation of electric utilities in procurement, licensing, financing and construction of numerous nuclear units and in connection with outage-related issues.
- Representation of a developer and equity investor in development, procurement, financing and construction of 168 MW LM 6000 gas-fired project in Tucuman Province, Argentina.
- Representation of a major internationally known nonprofit organization in connection with the construction of state-of-the-art facilities and the related contracts, including a sophisticated animal breeding center, state-of-the-art veterinary hospital and other facilities.
- Representation of a major Fortune 100 pharmaceutical company in connection with an $80 million modular pharmaceutical research and manufacturing facility.
- Representation of a major educational/science nonprofit organization in connection with the development and construction of a $109 million internationally acclaimed science center, including drafting and negotiating construction and exhibit development agreements.
- Representation of a national wireless communications company in connection with the construction of a multistate antenna network system including drafting and negotiating construction documents.
- Representation of an owner/developer in connection with construction of a $70 million residential, condominium and garage facility including drafting and negotiating construction agreements and representation of the owner in the purchase of the property, the financing of the transaction and joint venture documents with the co-owner.
- Representation of an owner/developer in connection with construction of a $65 million continuing care retirement community including drafting and negotiating developer consulting agreement and architect services agreement and representing the owner in connection with zoning approvals.
- Representation of a major international luxury retailer in connection with construction of a $60 million distribution center in the U.S. including drafting and negotiating a design/build contract.
- Representation of an international flavor and fragrance company in connection with the construction of a 30,000-square-foot manufacturing and distribution facility including drafting and negotiating a construction management agreement and engineer design agreement for manufacturing equipment and processes.
- Representation of an integrated healthcare system in connection with the development of a $100 million children's hospital and a $35 million continuing care retirement community including drafting and negotiating construction and architect services agreements and obtaining tax-exempt financing.

- Representation of an owner in connection with 36,000-square-foot, $16 million renovation and new construction of a golf museum including drafting and negotiating a general construction agreement, exhibit fabrication agreement and architect services agreement.
- Representation of a major national construction company in connection with the construction of the national corporate headquarters of a Fortune 100 manufacturing company including drafting and negotiating an owner/contractor agreement, subcontractor agreements and related project documents.
- Representation of a major Fortune 100 pharmaceutical company in the preparation of model owner construction documents, including architect services, construction management, general contractor, fixed price, time and materials, and design/build agreements.
- Litigation Matters:
- Representation of a national and international engineering firm in action for alleged negligent design and construction administration and in numerous state and federal court proceedings.
- Representation of a public agency in the negotiation of claims by a general contractor on a pier rehabilitation and renovation project and the subsequent representation of the agency as plaintiff in an action to recover substantial claims against a design professional.
- Representation of a homeowner against an architect in construction litigation regarding design defects in a $20 million residential home.
- Representation of a homeowner against a contractor and construction manager in construction arbitration regarding management services in a $5 million residential home.
- Representation of a project manager in a construction dispute regarding defects in new construction for the state of Connecticut.
- Representation of a subcontractor in a construction dispute regarding completion of a new construction commercial project.
- Representation of clients in connection with $22 million in claims in the construction of a hotel complex and the subsequent representation of those clients in claims against architectural firms.
- Representation of a property owner in multiday arbitration against a general contractor relating to overcharging in the construction of a high-end luxury home on Nantucket.
- Representation of a national engineering firm in action brought by a Massachusetts state agency seeking damages for claims arising from the Boston Harbor Cleanup Project.
- Representation of a national engineering firm (leading to a defense verdict after a three-week trial) on contractor and subcontractor claims relating to design and contract administration of a municipal composting facility.
- Representation of an insurer in an arbitration proceeding related to a boiler and machinery contract after the destruction by fire of a transformer.
- Representation of an owner in an arbitration under the auspices of the American Arbitration Association against a design-builder relating to deficiencies in a commercial roof structure.
- Representation of a computer company in a multimillion dollar dispute with the state of New Jersey involving alleged design deficiencies for centralized computer complex in the Trenton area.
- Representation of a window manufacturer concerning claims by the general contractor of a high-rise apartment building in Atlantic City that alleged the manufacturer provided improper advice concerning window installation.
- Representation of a museum in connection with litigation and arbitration arising out of the multimillion dollar construction project of facilities located at Liberty State Park in Jersey City.

- Representation of a subcontractor in dispute concerning the baggage handling system at Terminal B of Newark International Airport and in negotiation leading to successful termination of a subcontract agreement.
- Representation of a major airline in connection with the defense of litigation arising out of the construction of a warehouse facility at Chicago O'Hare International Airport.
- Representation of a public utility company in connection with the defense of multimillion dollar litigation brought by the owner/developer of a shopping center arising out of the relocation of water lines during the course of construction.
- Representation of a roofing-parts manufacturer and supplier in connection with the defense of a multiparty lawsuit brought by the owner of an assisted living facility located in Princeton, NJ, which alleged improper design and installation.
- Representation of a pharmaceutical manufacturer in connection with claim prosecution arising out of the defective installation of a fluidized bed incinerator.