

CONSTRUCTION-RELATED CONTRACTS
AND LIABILITY RELEASES: WHY YOU
SHOULD HAVE *YOUR* LAWYER REVIEW
EVERYTHING BEFORE YOU SIGN

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Contract Documents

- ▣ Have negotiated contract documents with numerous construction professionals over the years
- ▣ Typically find them to be extremely helpful and of the highest integrity
- ▣ Suggest the following revisions to standard contract documents to allow districts to provide excellent educational facilities in the most cost-effective manner possible

Architect

- ▣ Architect Certifications
 - Building Codes
 - ADE Criteria
- ▣ Dispute Resolution
 - Arbitration vs. Litigation
 - Venue
- ▣ Use of Architect's Drawings and Documents
- ▣ Access to the Work

Architect

- ▣ Construction Phase
 - Site Visits
 - Work in Accordance with Contract Documents
- ▣ Architect Compensation
- ▣ Compensation for Additional Services
- ▣ Miscellaneous Provisions
 - Modifications
 - Indemnification
 - Insurance
 - Bonds and Records

General Contractor / Construction Manager

- ▣ Bids
- ▣ Construction Manager Certifications
 - Contract Documents
 - Building Codes
 - ADE Criteria
- ▣ Surveys
- ▣ Owner's Representative
- ▣ Compensation

General Contractor / Construction Manager

- ▣ Changes in Work
- ▣ Dispute Resolution
 - Arbitration vs. Litigation
 - Venue
- ▣ Modifications to Agreement
- ▣ Conflict of Interest
- ▣ Indemnification and Legal Compliance
- ▣ Non-Collusion
- ▣ Penalty for Collusion

General Contractor / Construction Manager

- ▣ Non-discrimination
- ▣ Proprietary Information
- ▣ Severability
- ▣ No-Smoking Policy
- ▣ Construction Manager's Employees and Their Behavior
- ▣ Daily Cleanup
- ▣ Owner/Manager Communications
- ▣ Owner Indemnification

**Do Not Sign
Construction
Contracts and Then
Send to the School
Attorney for Review**

**Requests for
Proposals/Requests
for Qualification
Should Always Include
Amended Contract
Documents**

Surety Bonds

- ▣ Purpose
- ▣ Timeliness
- ▣ Why They Are Important

Warranties

- ▣ Roof
- ▣ Product
- ▣ Purpose
- ▣ Key Concerns