

Construction Contracts: Understanding the Big Picture and the Fine Print

**The Supportive Housing Network of New York,
Enterprise Community Partners
and the Association for Neighborhood and Housing Development
November 17, 2011**

AN OWNER'S TOP 3 PRIORITIES on CONSTRUCTION PROJECTS

Getting the Project Done:

- 1. For the Agreed Upon Price**
- 2. For the Time Allocated**
- 3. With Quality Workmanship**

CONTRACT PROVISIONS TO ENSURE YOUR GOALS ARE MET:

For the Agreed Upon Price

- Type of Contract**
 - Lump Sum vs. Guaranteed Maximum Price**
- Payment Terms**
 - Contractor & Subcontractor**
- Lien Waivers**
- Retainage / Withholding of Funds**
- Extra Work / Backcharges**
- Final Payment**

For the Time Allocated

- Schedule**
 - Start Date / NTP**
 - Completion Date**
 - Time Extensions**
- Liquidated Damages**
- Certificates of Occupancy**
- Final Payment**

Quality Workmanship

- Payment Terms**
- Retainage / Release of Retainage**
- Inspection of the Work**
- Defective Work / Remedies**
- Default/Termination**

Avoiding Mechanic's Liens

- Obtain List of all Suppliers & Subcontractors & Require Contractor to Update List**
- Require Lien Waivers from Subcontractors & Suppliers**
- Require all GC/Owner Contract Terms to be “Incorporated by Reference” in Subcontracts**

Avoiding Mechanic's Liens (con't)

Time Limits on Mechanic's Liens:

- Private Work: 8 Months from Date Work was Last Performed (Punchlist does not extend time)**
- Public Work: Within 30 days of Owner's Acceptance of the Project**

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Jennifer Redmond, counsel to Goldstein Hall PLLC, represents general contractors, subcontractors, owners, construction managers, developers, sureties, architects and engineers in all facets of construction related matters including litigation, arbitration, mediation, claims preparation, contract drafting and labor disputes on public and private construction projects. She has extensive experience in preparing, analyzing and litigating construction claims involving extra work, delays, non-payment, loss of productivity, acceleration, change conditions, labor disputes and mechanic's liens. As general and trial counsel, Ms. Redmond advises clients from pre-bid and contract phases through completion of a project.

In addition to her practice, Ms. Redmond teaches Construction Law and Contract principles for the New York City Small Business Services in conjunction with Columbia University and the New York City College of Technology. She also teaches Continuing Legal Education for the Construction Group of the New York County Lawyers' Association and the Asian American Bar Association of New York.