



**Buchanan
Ingersoll &
Rooney PC**

Construction

Building Legal Frameworks for Success

If you need counsel on a construction project – as an owner, designer, constructor, lender, or supplier – our multidisciplinary team of attorneys are ready to assist. Whether the project is delivered through a traditional competitive design-bid-build approach, or utilizes an innovative integrated delivery system, we have the expertise to handle everything from project finance to contract negotiation and claim resolution. When you come to us, we draw from resources across our firm to build the right team for your specific project needs.

How We Can Help You

We Build the Right Team

When you work with us, you're working with a collaborative team that has deep experience in the construction industry. We're ready to assist you with any issue – whether it's land acquisition, financing, environmental remediation, labor relations, contract negotiations, claims prosecution, or defense.

We Know the Industry

The construction industry has its own language, industry customs and standards, and legal principles, which makes it critical that you work with attorneys who fully understand the design, construction, and legal process. We are technically versed in understanding construction drawings and specifications, construction terminology, and the critical path method of construction scheduling. This combination of legal and technical experience lets us help you identify and manage roadblocks and problems before they occur.

We Guide You Through the Project Finance Maze

Our attorneys are ready to become your partners in managing construction project financing from start to finish and solving any problems that arise along the way. We are a nationally recognized leader in project finance, representing owners, developers, investors, funds, banks, and other financial institutions, in structuring, negotiating, and closing a wide variety of public and private financings. We understand the perspectives and needs of each party to the transaction. Clients rely on our deep understanding of real estate capital markets and our ability to work through complex structuring issues as they arise. Our breadth of experience includes:

- Acquisition, Development, and Construction Loans
- Ground Lease Financing
- Private Activity Bonds
- Public Bond Issuances
- Sale Leasebacks
- Syndicated Credit Facilities with Real Estate Collateral
- Term and Mezzanine Loans
- TIFs and Other Public Incentive Financing Tools

You can look to us to manage your project transactions and financing with efficient and practical guidance – all across the United States. We're able to handle multistate and multiple property transactions and tackle regional to large-scale projects. We negotiate and draft contracts, manage financing, and structure deals to minimize the tax burden. And we can counsel you on site assemblage, acquisition, due diligence, financings, and leasing.



We have worked on varied projects in both the public and private sectors, including:

Commercial Office Buildings

Condominium Complexes

Government Buildings

**Higher Education Classroom, Administrative,
and Residential Buildings**

Highways and Bridges

High Rise Residential Buildings

Hospitals and Other Medical Facilities

Hotels

Industrial and Manufacturing Facilities

Light Rail, APM and Other Transit Systems

**Natural Gas and Oil Infrastructure and
Processing Facilities**

Power Generation Plants

Stadiums and Sports Arenas

Water and Wastewater Treatment Facilities

We Make Public-Private Partnerships (P3s) Work

As our country's infrastructure needs grow, local and state governments are increasingly turning to P3s to generate revenue and deliver public services. Our goal is to shepherd your project through government channels while building public support for the project. We have represented municipalities, local and state authorities, federal agencies, concessionaire teams, contractors, EPCs, suppliers, and designers in P3 projects for transportation systems, port facilities, convention centers, stadiums, arenas, water and sewer plants, prisons, parking facilities, and more. Our P3 team includes real estate, project finance, government and public law, construction, and government contracting attorneys who are knowledgeable of and experienced with managing the many complexities of public procurement, financing, and contracting that must be managed when private entities finance, design, build, operate, and/or maintain public assets. Plus, our government relations professionals are invaluable when it comes to navigating the legislative and executive branch politics of approving and funding such projects.

We Help You Navigate the Regulatory Channels

We'll keep you on the right side of local, state, or federal regulations.

We can:

- Assist with licensing, permitting, zoning, easements, public and private bidding, procurement, code compliance, and other pre-construction matters
- Help owners and constructors comply with federal, state, and local regulations relating to workplace safety, DBE/MBE participation, Small and Veteran's Owned Business status, Independent Contractor status, and other public procurement and government contracting compliance issues
- Help owners/developers, general contractors, subcontractors, and suppliers navigate each jurisdiction's strict statutory requirements throughout the life of a project
- Help you comply with environmental regulations, including land use restrictions, brownfield redevelopment, and green certifications such as LEED Silver, Gold, and Platinum requirements
- Manage investigations and enforcement proceedings of all kinds

We Manage Your Labor & Employment Issues

Our attorneys have extensive experience with labor and employment law issues unique to the construction industry, including:

- **OSHA.** We assist clients with the development of OSHA policies and procedures, responding to inquiries and attending site inspections; negotiating the reclassification of citations and reductions in proposed penalties with area and regional offices; defending violation citations, including administrative enforcement hearings and appeals; and, crisis management in response to catastrophic accidents and fatalities on construction sites.
- **Traditional Labor Relations.** We handle all aspects of labor relations with both union and nonunion workforces (often on the same project), including jurisdictional and other disputes involving multiple employers. We have extensive experience with Project Labor Agreements, prevailing wage, and other public procurement labor issues.
- **Wage and Hour.** We represent employers in the construction industry in response to audits and actions under the Davis Bacon Act and the Fair Labor Standards Act.
- We assist construction industry and government contractor clients with affirmative action plans, WBE/DBE/MBE compliance, and OFCCP audits.

Because the construction industry also encounters labor and employment issues that are not unique to the industry, we provide complete assistance with such matters as collective bargaining, unfair labor practice proceedings, labor grievance arbitrations, discrimination and retaliation charges, independent contractor challenges, reductions-in-force, terminations, and other day-to-day concerns.



We represent financiers, developers, public and private owners, designers, general and specialty contractors, and suppliers of equipment, systems, and materials in all aspects of contracting, project delivery, and dispute resolution.



We Handle Conflicts and Manage Your Costs

Our award-winning litigators never shy away from a fight, but we also know that our clients are not in the business of litigation. We understand the importance of heading off costly conflicts, and assist our clients with risk mitigation and dispute avoidance. When disputes cannot be avoided, we guide clients through the contractual dispute resolution process. We have successfully litigated virtually every type of claim that can arise from a construction project, including:

- Additional and Changed Work Claims
- Bid Disputes
- Construction Lender Liability Claims
- Constructive Fraud and Misrepresentation Claims
- Contractor Default and Performance Bond Claims
- Contractor, Subcontractor, and Supplier Payment Disputes
- Delay Claims
- Design and Construction Defects
- Disputes Involving Federal and State Contracting Requirements
- Disputes Over Performance Requirements, Penalties, and Payment Entitlement
- Flow-down and Pass-through of Liability Disputes
- Interference and Lost Productivity Claims
- Unforeseen Conditions Claims
- Wrongful Termination

**Our litigation practice is Rated Tier 1 National
*U.S. News and World Report Best Law Firms***



**Advancing
Our Clients' Goals**



Financing for Multiple Hotel Projects

We worked on a \$4 billion financing and development project for the renovation of a historic hotel and resort in Miami Beach, and the construction of a 63-story casino, retail, and condominium-hotel resort tower in Las Vegas.

Helping a Major P3 Infrastructure Project Get Started

We advised an international EPC on the contract negotiation of a multi-billion dollar P3 project that involved financing, designing, building, operating, and maintaining an airport Automated People Mover system.

Multiple Prime Contractor Lawsuits in a Prison Construction Project

We represented a construction management joint venture in multiple lawsuits arising from a state prison project. More than \$15 million in claims were brought by eight prime contractors regarding this \$112 million multi-prime contract.

New Homes for Pittsburgh Pro Sports

We helped to develop the strategy and legislation that resulted in the acquisition of state support totaling \$150 million to assist in financing the new home of the Pittsburgh Pirates, PNC Park, and the Pittsburgh Steelers' new home, Heinz Field.

Guiding an International Developer Through a Large Residential Project

An international construction company engaged our attorneys to help obtain funding for a pilot project for the construction of more than 500 new homes on the Florida Gulf Coast. We led the construction company through the entire process from identifying the opportunity and obtaining funding to garnering local support and regulatory/zoning approval.

Building a LEED Platinum Office Tower

We helped a national banking association with architectural and construction contracts for the design and construction of a "green" development, a LEED Platinum-certified office tower in Pittsburgh.

Helping a University Grow

In a five-year renovation and expansion project, our attorneys worked with a university to negotiate and document the extensive renovation, modernization, and expansion of an existing science building to add multiple floors with significant additional classroom and new state-of-the-art laboratory spaces. The project required phasing to accommodate the continued use of the building, the development of evolving and final design and construction documents, and separate guaranteed maximum price proposals for each project phase.

Helping a Contractor Win Additional Compensation on a Lock and Dam Project

We successfully represented a contracting joint venture in its claim against the U.S. Army Corps of Engineers arising from \$15 million in remediation work required to correct design errors leading to systemic defects in more than 90 concrete shafts supporting the river wall on a new lock chamber. The Government initially denied the client's request for equitable adjustment and issued a notice to cure demanding that the client determine and fix the root cause of the defects at its expense. We not only defeated the Corps' claim, but recovered for the contractor the majority of costs it incurred to analyze and repair the defects.

Assisting with a Railroad Infrastructure Project

Our team represented a passenger rail car manufacturer and supplier in a joint venture to design and construct a new line in northern New Jersey.

Moving Medical Research Forward

Our attorneys guided a publicly-traded drug testing and research company through the land acquisition and construction of a \$20,000,000 clinical research facility.

Learn more at **BIPC.com**

Thomas J. Madigan | Shareholder | Chairman, Construction Practice Group

thomas.madigan@bipc.com | 412.562.8485

Meredith S. Delcamp | Shareholder | Florida | meredith.delcamp@bipc.com | 813.222.3337

The background of the image features several white wireframe models of construction cranes and building structures against a dark grey background. The cranes are of various types, including tower cranes and crawler cranes, with their complex lattice structures clearly visible. The structures are positioned at different heights and angles, creating a sense of depth and scale.

Buchanan Ingersoll & Rooney PC

A solid orange horizontal bar at the bottom of the page, featuring a faint, light-colored grid pattern that resembles a city street layout.

BIPC.com