

INDUSTRY

Construction

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OVERVIEW

We are your construction strike force in both public and private construction, covering both commercial and residential work.

Property owners, contractors, architects, engineers and developers engaged in commercial, institutional, nonprofit, and residential building projects across New England benefit from Bowditch's full-service capabilities for the construction industry. From drafting and negotiating contracts, to project risk management, bid protests (public work), to mediation, arbitration, litigation and trials, we have you covered.

We represent owners and major local and national design firms and construction managers, contractors and subcontractors for all of the various project delivery methods.

- Drafting and negotiating contracts
- Construction financing
- Defect and water insurance claims
- Delay claims
- Payment claims including without limitation:
  - Prompt pay law
  - Filing and perfecting mechanics liens and defending against liens filed against a project
  - Bond claims
  - Change orders
- Warranty claims
- Bid protests
- Termination claims

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- Bad Faith claims
- Mediation, arbitration, litigation and trials

EXPERIENCE

Novel use of the state's consumer statute wins award for client

The owner of a local home hired an interior designer to provide a facelift to their property. The work went well initially until the designer stopped working or responding to communications from the homeowner. This was problematic because the owner had advanced considerable sums to the designer in anticipation of the designer buying fixtures and furnishings for the home. We secured a multiple damages award in state court and got almost all of the furnishings delivered based upon a novel legal argument using a consumer protection statute. It was the first time the statute had been used in Massachusetts against an interior designer.

A mediated success to a subcontractor's claim on an unpaid change order

Our client in this case was a subcontractor responsible for a multi-million-dollar panelized exterior of public building. The Owner abandoned plans to build the exterior using pre-fabricated panels and, instead elected to proceed with a traditional approach. With our client, we pursued a claim against the owner in state court for the additional costs associated with field construction as opposed to pre-fabrication. After extensive discovery, the parties were able to resolve their claim in mediation on terms favorable to the client.

OTHER EXPERIENCE

- Coordinated with municipal officials in Departments of Public Works and Code Enforcement and advised architects and engineers during design-development, pre-construction phase of new fast food chain restaurant
- General contractor who lost public construction projects due to Awarding Authorities' findings that it was not the lowest eligible and responsible bidder
- Subcontractor on public construction project at assessment of damages hearing following non-payment
- State agency in dispute with elevator repair and maintenance contractor
- Private school in abutting property owner's appeals of Conservation Commission and Zoning Board of Appeals decisions in connection with expansion project
- Colleges, universities, independent schools, health care facilities and other nonprofit organizations in design and construction of academic buildings, laboratories, libraries, dining and residential facilities, and health care facilities
- Pharmaceutical company in negotiation design and construction contracts for tenant build-out in multiple facilities having in excess of 1 million square feet
- Commercial developer in tenant build outs for office, retail, and mixed use developments
- Franchisee in various disputes and through completion of construction project
- General contractors and subcontractors against contract, warranty, and negligence claims
- Pursued payment and enforcement of mechanics lien on behalf of designers, contractors, and subcontractors

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- Property owners in defense of claims for payment and in seeking damages for incomplete and defective work
- Hotel and resort against claims before EACC by labor union alleging violations of state labor laws
- Hotel condominium association in action against condominium builders arising from construction defects
- Hotels in Massachusetts, New Hampshire, Maine, Rhode Island and Florida in obtaining construction and equipment financing
- Obtained a favorable decision before the Massachusetts Attorney General's Bid Unit on behalf of an electrical subcontractor in a construction bid protest.
- Secured a favorable resolution for a subcontractor in a construction bid protest before the Massachusetts Attorney General's Bid Unit.

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