

Construction

The attorneys in Winstead's Construction Practice Group have the experience to advise and represent clients on any construction-related issue. Successful projects require careful planning and skilled execution. Whether you are an owner, developer, contractor, governmental entity, or financial institution, we understand your business and your construction concerns. We can advise on strategies to allocate risk in your project contracts, and protect and advocate your position in disputes. We are your teammates every step of the way. We want you to succeed and we do our best to make it happen.

Transaction Experience

Regardless of the type of project, our construction attorneys have extensive experience in drafting and negotiating the various contracts involved in the construction process. We understand the importance of defining rights, responsibilities, and expectations up front to reduce risk during and after completion of your project. Because we understand your business and the construction industry, we recognize potential problems and address them in your contracts to minimize potential disputes later in the project. Sometimes, issues can arise after the initial contracts are signed that require the parties to modify those agreements. We work with you to identify potential problems, reach workable solutions, and document legal resolutions throughout the project.

Legal Services Include:

- Pre-construction Risk Transfer Strategies
- Contract Negotiation and Structuring
- Financing and Related Issues
- Permitting and Development Issues
- Contract Review and Drafting
- Insurance/Risk Management
- Bonding Issues
- Compliance with Procurement Requirements Imposed by Law
- Project Management Advice
- Green Building Planning

Dispute Experience

Disputes can arise at any time in the construction process. Regardless of the type of problem or dispute, we have the experience and resources to assist. We will help you analyze and investigate the problem and find efficient and effective solutions to resolve it. If the problem cannot be resolved without a legal proceeding, our construction attorneys have significant experience in handling complex construction disputes in litigation and arbitration in state and federal forums across the nation. We have the experience and ability to manage the increasingly large volume of electronic information typically involved in a large construction dispute, and the advocacy skills to effectively use and present it.

Dispute Resolution Legal Services Include:

- Contract and Payment Disputes
- Construction and Design Defects
- Bond and Lien Claims
- Mechanic's and Materialmen's Liens
- Change Orders and Extra Work Claims
- Delay, Acceleration and Lost Productivity Claims
- Completion and Warranty Issues
- Liquidated Damages Issues

- Construction Accident and Tort Claims
- Environmental Issues
- Intellectual Property Disputes
- Construction Insurance Issues
- Contract Termination Issues
- Sovereign Immunity Issues related to Governmental Entities

Our group's representative experience includes a variety of industries, including commercial/industrial, residential, higher education, healthcare, sports, energy (onshore and offshore), governmental and transportation.

Representative Experience

Commercial

- Represented a major Texas convention center hotel in drafting design and construction contracts for renovations. Also assisted with faulty construction issues impacting both the hotel and residential condominium owners.
- Represent a publicly-traded real estate investment trust headquartered in Denver, Colorado, in pursuing claims against developer partner and construction team for construction defects related to apartment project in Tampa, Florida.
- Represented a family in connection with the sale/ground lease of property located on Kirby Drive for construction and development of the West Avenue mixed use development, including negotiation and drafting of ground lease documents, purchase and sale of documents, easements and related development agreements.
- Represent public company in drafting and negotiating design contract involving a 1 million sq. ft. retail/office complex and parking structure.
- Represent a real estate investment trust headquartered in Houston with regard to the drafting and negotiation of a construction contract for the development of a shopping center (anticipated construction cost in excess of \$20 million) with complex environmental issues.
- Represent a Houston-based general contractor to finalize form subcontracts, advise on insurance program and handle numerous litigation, lien and contract negotiation matters.

Residential

- Represent subsidiary of housing authority's project owner in dispute concerning project delays, utilities and work completion issues and eventual termination of construction contract and related development agreement.
- Represent prime contractor in preparation of construction contracts for HUD low income housing loan and grant for elderly housing projects.
- Extensive experience in prosecuting and defending construction defect claims in high- and mid-rise condominium projects throughout the nation.
- Represent general contractor with regard to disputes over delay and compensation claims on condominium project in Austin, Texas.
- Represent subdivision developer in suit against design professional for defective design of drainage through residential subdivision.

Higher Education

- Represented a Houston university on a complex building transaction for the collaborative research center involving the university and multiple Texas medical center hospital research institutions.
- Represented a Houston university in a construction defect/design defect suit over a \$35 million student services building.
- Represented a non-profit alumni organization in resolving design and construction issues, including arbitration with the general contractor and design professional.

- Continuing representation of a public college district as their chief “outside” counsel for construction-related matters, including drafting design and construction contract forms.

Healthcare

- Represent a major hospital system in drafting and negotiating design-build and Construction Manager at Risk contracts for construction of several buildings in a billion dollar hospital campus to include the hospital, clinics, logistics center, central utility plant and parking structure.
- Represent a hospital district in litigation arising from the termination of a general contractor on a \$14 million hospital construction contract.
- Represent a major regional pediatric health care system in connection with drafting and negotiating design and construction contracts for a multi- million dollar expansion of medical center complex.
- Provide legal advice on various construction contracts, subcontracts and related leases to large not-for-profit health care system with a network of acute care hospitals and related healthcare entities throughout the Dallas-Fort Worth area.

Sports

- Represent \$325 million NFL football stadium franchise in negotiations with public entities, design professionals, and prime contractor for construction of stadium in Houston, Texas.
- Advise NBA franchise on construction contracts for \$115 million basketball arena.
- Represented private Texas university in preparation and negotiation of a \$100 million football stadium renovation project, including reviewing and negotiating construction contracts and assisting in the preparation of the suite agreements.
- Represented an NFL franchise with regard to design and construction of the retractable roof football stadium.
- Reviewed the terms of hundreds of complex construction contracts for a MLB franchise.
- Provide design and construction counsel to one of the nation's largest churches on adapting former NBA basketball arena for congregational usage.
- Represent major project subcontractor in dispute with steel erector involving Houston baseball stadium construction.

Energy

- Represent EPC contractors of cogeneration and refinery facilities in disputes with developers, project lenders, owners, subcontractors and insurers involving nearly all aspects of design, construction, operation and maintenance of those projects and payment issues, mechanic’s liens and termination rights. (Sites located in Texas, Connecticut, New Jersey, California, Nevada, Arkansas, and Louisiana).
- Represent offshore contractor in litigation to obtain payment for \$25 million claim for construction of semi-submersible drilling rig deployed in Gulf of Mexico.
- Represent large contractors and construction managers in claims involving design and construction of power projects, large distribution and commercial facilities, retail buildings and other structures.
- Represent EPC contractor of ethanol facility projects in termination of contracts.
- Represent environmental remediation contractor in the recovery of a large unanticipated conditions claim against the owner of a petrochemical facility.
- Represent EPC contractors and owners in negotiation of EPC contracts for power and petrochemical facilities.

Governmental

- Represent major metropolitan city and its Water Utility Department in preparation and negotiation of a \$300 million Construction Manager at Risk agreement for construction of municipal water treatment facility.
- Represent contractor in drafting and negotiating design-build contract for county jail facility and courthouse extension.

- Represent governmental owner in bond claim arising from termination of public works contractor for default.
- Represent county in dispute with design professional over payment for design documents for the local government center.
- Represent contractor in contract payment dispute against Port authority owner involving claims of governmental immunity.
- Represent a statewide trade association for commercial general contractors in connection with selected legislative issues before the Texas Legislature.

Transportation

- Represent a major airline in public/private transaction involving modernization of large metropolitan airport, including preparation and negotiation of financing, design and construction contracts for airport terminal and airside and landside improvements in and around terminal area.
- Represent large highway contractor in the preparation and negotiation of various design-bid-build and design-build contracts and subcontracts for the construction of various highways and interchanges in San Antonio, Austin, and Dallas, Texas.
- Represent an international engineering firm in a variety of litigation matters in Texas, including drainage issues involving new construction of tollways.

With clients' projects taking shape regionally, nationally, and internationally, our attorneys are active participants in leading industry and legal organizations. These organizations include the Construction Law Sections of the American Bar Association and State Bar of Texas; Association of General Contractors of America; Urban Land Institute; American Institute of Architects; and United States Green Building Counsel.