



Do You Know Your Construction Contract?

Whether you are using AIA, DBIA, Consensus or your own form of agreement for a construction project, be sure you understand its terms, obligations and consequences. **Beware of “one size fits all” contracts** – especially those used for prior projects in other states – containing boilerplate language that does not reflect what happens during the design and construction of a building.

- › As an owner, does the agreement reflect your project goals and how you would like design and construction completed?
- › As a design professional, are the services expected of you articulated with specificity?
- › Is your performance standard achievable and aligned with the owner’s goals?
- › Are you being asked to execute a non-negotiable agreement in a highly competitive environment? If so, what can you do to level the playing field?
- › Do you have insurance for all your obligations and, if not, are there practical ways to reduce your risk?
- › Is Design-Build better, cheaper and/or faster?
- › What are the pitfalls and risks to each participant?

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At Kenney Shelton Liptak Nowak, LLP, our dedicated Construction Risk Management team is prepared to educate and guide you through these key questions and considerations, but that is just the beginning. Directed by Jennie Muscarella, formerly General Counsel and Chief Contracting Officer for an international architectural/engineering and construction management firm, this team can create, revise and negotiate agreements uniquely suited to your needs and provide information which will better enable you to balance legal and financial risk.



Please take note.

Contracts are legally binding documents and construction contracts, in particular, can be very lengthy and complex. In most instances, a contract will incorporate other agreements or documents which also govern your obligations. **Nearly every contract contains legal language with potentially costly ramifications.**

- › Has someone who is qualified reviewed the contract for conflicting terms or provisions and explained the consequences of certain legal language?
- › Has the contract been reviewed for insurability?
- › Is the contract clear as to your liability or is it so ambiguous that attorneys will argue for years over the meaning of the agreement without a clear answer in the end?
- › Has someone explained to you which state's law will govern any related disputes and reviewed the contract to ensure that the provisions will protect you under that state's laws?

*If you have questions, please don't hesitate to contact us.
We would be happy to consult with you.*

JENNIE MUSCARELLA jmmuscarella@kslnlaw.com (716) 853-3801 x352

KENNEY SHELTON LIPTAK NOWAK LLP

The Calumet Building 233 Franklin Street Buffalo, New York 14202 www.kslnlaw.com