

# Top Ten Construction Contract Issues Facing Colleges and Universities

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# Topics to Cover

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- Drafting issues
- Coordination issues
- Administration issues

# Drafting Issues

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- Key Theme: Protect Your Projects With Well Drafted Contracts



## Drafting Issues (continued)

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- Issue No. 1: Control of the Form

# Drafting Issues (continued)

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- Issue No. 1: Control of the Form
  - The party that controls the form, controls the contract



## Drafting Issues (continued)

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- Issue No. 2: Key Contract Provisions

# Drafting Issues (continued)

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- Issue No. 2: Key Contract Provisions
  - Scope of Work
  - Time/Schedule
  - Claims
  - Termination
  - Risk (Surety and Insurance)
  - Risk (Indemnity)
  - Payment
  - Limitation of Liability/Damages
  - Liquidated Damages
  - Conflict Resolution

# Drafting Issues (continued)

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- Issue No. 3: Insurance/Surety





## Drafting Issues (continued)

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- Issue No. 3: Insurance/Surety
  - **E**nsure that you are properly **I**nsured

# Drafting Issues (continued)

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- Issue No. 4: Dispute Resolution



## Drafting Issues (continued)

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- Issue No. 4: Dispute Resolution
  - Litigation v. Arbitration

## Drafting Issues (continued)

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- Issue No. 5: Liquidated Damages



## Drafting Issues (continued)

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- Issue No. 5: Liquidated Damages
  - Advanced planning needed

# Coordination Issues

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- Key Theme: Ensure Contract Coordination



## Coordination Issues (continued)

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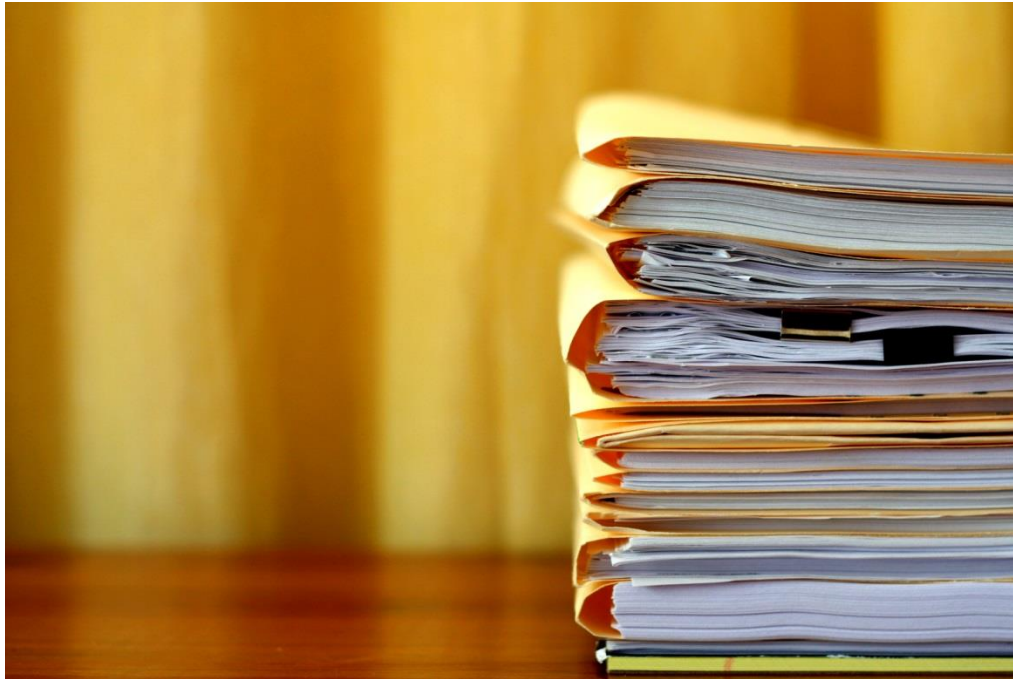
- Issue No. 6: Coordinating Scope of Work and Responsibilities



## Coordination Issues **(continued)**

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- Issue No. 6: Coordinating Scope of Work and Responsibilities
  - Multiple contracts must be coordinated to avoid gaps





# Coordination Issues **(continued)**

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- Issue No. 7: Dispute Resolution



## Coordination Issues **(continued)**

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- Issue No. 7: Dispute Resolution
  - Dispute Resolution Must be coordinated



# Administration Issues

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- Key Theme: Poor Administration Defeats a Good Contract

# Administration Issues (continued)

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- Issue No. 8: Project Documentation



# Administration Issues **(continued)**

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- Issue No. 8: Project Documentation
  - He who has the best documents usually wins the dispute



# Administration Issues (continued)

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- Issue No. 9: Protecting Against Liens

# Administration Issues **(continued)**

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- Issue No. 9: Protecting Against Liens
  - Be familiar with your local laws regarding liens



# Administration Issues (continued)

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- Issue No. 10: Timely Assertion of Claims



# Administration Issues (continued)

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- Issue No. 10: Timely Assertion of Claims
  - Late claim equals No claim



