

# Construction Transactions

## Overview

Carlton Fields' attorneys have extensive experience advising clients on the planning and development of all types of construction and development projects, including large-scale, complex public-private construction projects. We have significant experience representing owners, developers, contractors, design professionals, and subcontractors.

We represent and advise clients on all aspects of project development, planning, design and construction, including:

- Program development
- Contract preparation, review, and negotiation
- Contract administration
- Designer and contractor selection and liability
- Phasing schemes
- Pre-bid considerations
- Construction liens
- Insurance related issues
- Environmental issues
- Bond claims
- Operations
- Dispute resolution, including mediation, arbitration, settlement, and trial

We assist clients with all types of construction documents and administration, including:

- Professional design service agreements
- Construction contracts
- Construction management agreements

- Design-build agreements
- Alternative contracting formats (including integrated project delivery/collaborative agreements (IPD) and public-private partnerships (P3))
- Development agreements (including those for public-private development projects)
- Subcontract agreements
- Joint venture agreements
- Purchase orders for goods and/or services
- Bid package documents
- Staging and construction areas
- Leases and easements (including air rights easements/agreements)
- Purchase and sale agreements
- Performance and payment bonds, bid bonds, completion bonds, maintenance bonds, etc.
- Other related documents such as consents of sureties, lender consents, waivers and releases of lien, licenses, bills of sale, notices of claims, etc.

Our attorneys also develop standard form design and construction contracts for owners, developers, and contractors, as well as for counties and governmental agencies.

Some of our top priorities include advising clients on how to favorably address key contractual issues and how to avoid problems and disputes on projects. However, if problems or disputes develop, we can assist on issues such as construction defects, delays and impacts, differing site conditions, professional design liability, suretyship, and collections (lien and related claims).

### **Contractor Debarment and Suspension**

Local and state governments have taken an increasingly aggressive approach to debarment or suspending contractors who plead or are otherwise found guilty of criminal conduct, making debarment and suspension among the gravest dangers faced by contractors with significant government business. Contractors may also be banned from government work if they are "listed" by the Environmental Protection Agency for violations of certain environmental laws or for other instances of misconduct, even those that do not result in criminal sanctions.

We help clients avoid suspension, debarment, or listing by employing strategies that include: establishing and monitoring compliance programs for cost allowability, procurement integrity, and organizational conflicts of interest. We are experienced with the Lobbying Disclosure Act, Byrd Amendment, socioeconomic/reporting requirements, and facility and personnel security clearances. Additionally, we plan and implement ethics programs and internal investigations, and conduct white collar criminal defense.

# Featured Insights

## Experience

### Representative Projects

- *Sports facilities:* NFL stadiums (Los Angeles Rams, Atlanta Falcons, Miami Dolphins, Jacksonville Jaguars, Arizona Cardinals, Detroit Lions, Indianapolis Colts, Pittsburgh Steelers, Tampa Bay Buccaneers), MLB parks (New York Mets, Washington Nationals, Philadelphia Phillies, San Francisco Giants, Arizona Diamondbacks, Cleveland Indians, Seattle Mariners, Florida Marlins), NBA arenas (Orlando Magic, San Antonio Spurs, New York Knicks, Houston Rockets, Phoenix Suns), NHL rinks (Detroit Red Wings, Pittsburgh Penguins, Dallas Stars, San Jose Sharks, Anaheim Ducks, Tampa Bay Lightning), and the AS Roma soccer stadium (Rome, Italy).
- *Cultural and entertainment venues:* MGM Las Vegas Arena, Pérez Art Museum Miami, Florida Aquarium, and Daytona International Speedway (design and renovations to the frontstretch grandstands).
- *Convention centers:* Henry B. Gonzalez Convention Center expansion (San Antonio), San Diego Convention Center phase III expansion, San Jose McEnery Convention Center expansion and renovation, Las Vegas Convention Center, Phoenix Convention Center, Wenatchee Convention Center, Orlando County Convention Center, and Chicago's McCormick Place.
- *Hospitals and health care facilities:* Mount Sinai Medical Center, Tampa General Hospital, Boca Raton Regional Hospital, University Community Hospital, Mayo Clinic Proton Beam Therapy Facility (Phoenix), Sequoia Hospital expansion and remodel (Redwood City, California), LAC+USC Medical Center (Los Angeles), Phoenix Children's Hospital, San Antonio Military Medical Center, UT Southwestern Medical Center William P. Clements Jr. University Hospital (Dallas), Methodist Hospital North Campus expansion (Houston), and VA Southern Nevada Medical Center (Las Vegas).
- *Schools and educational facilities:* various Florida school districts, various Texas independent school districts, Yale University, Purdue University, University of California (various campuses), and University of Texas (various campuses).

- *Hotels and hospitality facilities:* Fairmont Austin, San Diego Marriott Convention Center, Conrad Hotel and Residential Tower (Indianapolis), Fort Lauderdale W Hotel & Residences, JW Marriott Austin, JW Marriott Indianapolis, Orlando JW Marriott/Ritz Carlton Grande Lakes, Scottsdale JW Marriott/Ritz Carlton Desert Ridge, Stowe Mountain Lodge (Stowe, Vermont), and Waldorf Astoria/Hilton Orlando Bonnet Creek Resort.
- *Casinos:* Twin Arrows Navajo Casino Resort (Flagstaff, Arizona), Wild Horse Pass Hotel and Casino (Phoenix), and Turning Stone Resort Casino (Verona, New York).
- *Manufacturing and steel recycling facilities:* John Bean Technologies (renovated manufacturing and distribution facilities, new scientific research and technology center in Lakeland, Florida) and Novelis (aluminum sheet production plant in New York)
- *Affordable housing:* Westshore Landings (Tampa, Florida).
- *Mixed-use projects:* CityScape (Phoenix), Wyndham/Port Imperial South, Pineapple Square (Sarasota, Florida), CityPlace (West Palm Beach, Florida).
- *Transportation facilities:* Tampa International Airport renovations and expansion, Los Angeles International Airport, Denver International Airport South Terminal redevelopment, Panama City-Bay County International Airport, Southeast Florida Tri-Rail, Southwest Florida International Airport, Maynard H. Jackson Jr. International Terminal at Hartsfield-Jackson Atlanta International Airport, Phoenix Sky Harbor International Airport – S-2 Concourse, Terminal 4, Detroit Midfield Terminal, Federal Express hangars, Southwest Airlines (facilities at various airports), and Indianapolis Airport (new terminal).
- *Communications, energy, and utility facilities:* fiber-optic undersea cable relocation (American Samoa), sewer treatment and collection facilities, waste-to-energy facilities, hydrogen refueling facility, electrical transmission line purchase and sale agreements, natural gas, coal and nuclear power plant facilities, photovoltaic solar systems, ammonia transmission pipeline, Crystal River Nuclear Plant renovations and decommissioning.

Additional projects include: office buildings; retail centers and malls; residential housing projects heavy construction (roads, bridges, and water and waste water utility infrastructure); mining operations; industrial warehousing; petrochemical terminals; processing plants, mills, and refineries; and first responder training facilities.

## Insights

06.24.2022

Creative Reuse: The Opportunities and Challenges of Converting Office Space to Residential

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08.30.2019

The Hurricane is Coming in Five Days - Are We Ready for This?

*American Bar Association Forum on Construction Law*

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01.30.2019

Qualified Opportunity Zones vs. 1031

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01.30.2019

Seizing the Opportunity with Qualified Opportunity Zones

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01.24.2019

Risk Management and the Development / Construction Industry

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03.01.2012

Successfully Serving Two Masters: The Ethical Risks of Joint Representation of Bond Sureties and Principals

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12.27.2011

Indemnity Clauses in Construction Contracts

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09.16.2011

International Construction Law: Mediation and Conciliation

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01.01.2011

The Surety's Exposure for Actual and Consequential Damages for Delays

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06.02.2010

Governor Crist Enacts SB 1196: Distressed Condominium Relief Act

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06.08.2009

Capitol Report - State Procurement

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06.01.2009

Concerns for Lenders on Florida Condominium Projects: New Triggers for Turnover and Some Considerations on Successor Developer Liabilities

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06.01.2009

Capitol e-Report - SB 360 Growth Management Bill Signed in Florida

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05.06.2009

Capitol Report - Session Summary

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04.28.2009

Capitol e-Report - Florida Budget Impasse Resolved

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04.28.2009

The American Recovery and Reinvestment Act - How To Manuals - Volume II (Tax Relief)

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04.28.2009

The American Recovery and Reinvestment Act - How To Manuals - Volume I (Grants)

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04.07.2009

What You Should Know About Sustainable Development Projects

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04.06.2009

California Green Chemistry Program

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03.09.2009

Real Estate Asset Valuation: Acquiring a Fractured Condominium Project

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03.01.2009

When Projects Go Bad: Bankruptcy Issues for the Construction Industry

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03.07.2007

Retail Commercial Leasing Nuts and Bolts: Protect Against Use and Exclusive Conflicts

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# Our Team

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## Related Capabilities

### Practices

- Banking, Commercial, and Consumer Finance
- Construction
- Development
- Construction Litigation
- Distressed Asset and Workout
- Environmental Regulation & Litigation
- Environmental, Land Use & Development Approvals and Litigation
- Government Affairs and Lobbying

### Industries

- Banking, Commercial, and Consumer Finance
- Construction
- Real Estate

- Government Law & Consulting
- Private Equity and Venture Capital
- Public and Private Offerings
- Public-Private Partnerships
- White Collar Crime & Government Investigations
- Administrative Litigation and Appeals
- Hospitality
- Qualified Opportunity Zone Task Force
- Aviation
- Real Property Litigation
- Real Estate
- Government Contracts
- Eminent Domain