

EXPERT TIPS FOR CONTRACT NEGOTIATION AND REVIEW

IMPORTANT CLAUSES IN CONSTRUCTION CONTRACTS



Payment



Exculpatory Clauses



Indemnification & Notice of Claim Provisions



Flow Down Clauses



Contractor's Design



Alternative Dispute Resolution



Termination



Subcontract Exhibits



Differing Site Conditions



Delays & Extensions



Incorporation by Reference

Different Types of Contracts

- Lump Sum Contracts
- Unit Price Contracts
- Cost Plus Contracts
- Cost Plus Contracts with a Guaranteed Maximum Price
- Design Build Contracts
- Construction Management Contracts
- Job Order Contracts (JOCs, Indefinite Supply Contracts)

Standard Forms of Agreement



EJCDC
ENGINEERS JOINT CONTRACT
DOCUMENTS COMMITTEE



REMEMBER TO TAILOR THEM TO EACH JOB INDIVIDUALLY!

Tips for Contract Negotiations

- 1 Identify key players (everyone are you dealing with.)
- 2 Identify key negotiating points for a successful outcome.
- 3 Develop a strategy and establish your objections.
- 4 Consider and define scope negotiations.
- 5 Consider and define legal negotiations.