



CONSTRUCTION

We pride ourselves in our depth of experience in construction law and have one of the largest construction law groups in the Rocky Mountain region. We assist our clients at the outset of a project to assist in drafting, reviewing, and negotiating design and construction contracts to give our clients an advantage and to minimize the likelihood that claims and disputes will later arise—saving our clients both money and time. We represent owners and developers of construction projects, as well as prime contractors, trade and specialty contractors, suppliers and surety companies. We are experienced with all types of project delivery arrangements, including design-bid-build, design-build/EPC, construction management at-risk, and bridging arrangements. Our attorneys have experience with claims avoidance strategies, mid project claims, the development of negotiation positions, litigation, and arbitration. We work on a wide range of projects all over the country from residential construction defect matters to complex commercial contract disputes. We have worked on legal construction issues for power plants, industrial, wastewater treatment plants, stadiums, airports, commercial and residential buildings, manufacturing and processing plants, dams, highways, hospitals, mines, hotels, institutional structures, environmental remediation and other projects. We also handle bid protest matters before local, state and federal authorities. We also are often called upon during the course of a project to assist as issues arise so that claims can be avoided if possible. When claims, disputes, litigation, mediation, or arbitration proceedings do arise, we routinely handle those as well. Many of our attorneys are trained and experienced as arbitrators and mediators of complex construction disputes. Our experience, and the insight we have gained, in presenting, defending, negotiating, arbitrating, mediating, and litigating complex construction disputes helps us to better anticipate and avoid the problems that can arise on a construction project, and allows us to better serve our clients who call upon us for front-end contract preparation services.

BHGR also has substantial experience with Infrastructure and Public-Private Partnerships (P3). To that end, in the P3 and project finance space, we have advised on many complex projects in the United States, including fertilizer plants, roads, bridges, health care facility, stadium and sports complex arenas, sewer, casino, and other related projects. We also have extensive experience with transportation and heavy highway projects, both in Colorado and throughout the United States. This work includes negotiating concession agreements and EP/EPC/design-build contracts (and all downstream subcontracts and vendor agreements). In addition, we have negotiated and advised on financing documents and other agreements and reference documents typically associated with such projects, including those relating to railroad, drainage system, geotechnical investigation, hazardous material/environmental, utility investigation and relocation, groundwater, intelligent transportation system infrastructure, and right of way issues.

Our experience includes:

- Contract review, drafting and negotiation
- EPC contract negotiation, drafting, and litigation
- Construction defect claims, analysis and defense
- Claim preparation and defense, including resolution and avoidance
- Preparation, assessment and defense of scheduling issues such as delay, impacts, acceleration, and delay damages
- Preparation, analysis and defense of mechanic lien claims
- Preparation, analysis and defense of scheduling claims (delay, productivity, acceleration)
- Public procurement

- Analysis and enforcement construction insurance claims (CGL, Builders Risk, Professional Liability)
- Differing site conditions
- Preparation, analysis and defense of change order claims
- Project terminations
- Federal and State Government contracts and disputes
- Bidding and award disputes and protests
- Design issues including errors and omissions
- Litigation, arbitration, & mediation

Our Construction Attorneys

- Giovanni M. Ruscitti, Managing & Founding Partner
- George V. Berg, Jr., Founding Partner
- Justin C. Berg, Partner
- Thomas E. Merrigan, Partner
- Jason T. Pink, Partner
- Rudy E. Verner, Partner
- Patrick K. Perrin, Partner
- Heidi C. Potter, Partner
- Mark D. Changaris, Partner
- Jack P. Storti, Partner
- Sally Berg, Special Counsel
- Tasha J. Power, Partner