



Construction

Foster Pepper represents clients across virtually all aspects of the construction industry, including public and private owners and developers, general contractors and subcontractors, engineering and architectural firms, building owners, manufacturers and other professionals involved in the construction industry and we are committed to helping grow our region responsibly. Our clients include developers of commercial and mixed-use projects, public housing, single-family construction, civic and public facilities, school districts, health care agencies, retail and sports stadiums. Members of the firm's construction practice are able to draw from their real world experience from serving as a general contractor and risk manager prior to entering the practice of law.

We represent clients in all phases of a construction project, from the drafting and negotiating contracts to mitigating issues that may arise during construction. Our construction attorneys are well-versed in litigation and dispute resolution should the need arise, including labor and material liens, constructability issues and construction, design and product defects. Foster Pepper's construction team also has significant experience with insurance law and often consults with our insurance coverage attorneys to obtain maximum recovery and protect our clients.

AREAS OF FOCUS

Construction Contracting

We represent clients in identifying the needs and risks of each construction project and draft, risk manage and negotiate contracts including:

- Design/Build Agreements
- GC/CM Contracts
- Joint Venture Agreements
- Preconstruction Agreements
- Design Contracts
- Prime Construction Contracts
- Subcontracts
- Teaming Agreements
- Tenant Improvement Contracts
- Construction Litigation and Dispute Resolution

Our attorneys have a long history of resolving construction and public bidding disputes, lien claims, contract and change order claims and warranty claims, including the prosecution and defense of all types of construction, design, product and other defect claims. We are committed to resolving disputes with alternative resolution methods including mediation, arbitration, mini-trials or other options, but are well experienced in representing clients in trial before a judge or jury when necessary.

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Sustainable Building

We have substantial sustainable building experience in project design, negotiation and dispute resolution and our attorneys thoroughly understand and educate clients on the numerous sustainable building rating agencies and systems currently in use across the United States, including LEED certification. We have extensive experience representing public clients in meeting the requirements of the 2000 City of Seattle sustainable building regulations and Washington state's high performance public buildings law.

Representative Work

- Represented a New York-based owner of a \$140 million mixed-use project in contract, warranty and insurance claims and negotiations with the general contractor.
- Represented Seattle, Washington and California-based owners of a \$54 million mixed-use project and a \$47 million LEED mixed-use project in contract, construction defect, design and insurance claims.
- Represented a Bremerton, Washington-based owner of a \$10 million commercial office project in lien, construction defect, indemnity, insurance and risk management claims.
- Represented two local ports in action against a general contractor alleging differing site conditions claims in numerous existing facilities and against an excavation contractor alleging differing site condition in soils for a runway expansion.
- Represented a design build contractor on the Seattle, Washington SR 99 Bored Tunnel project.
- Represented a Japanese subcontractor on the Tacoma, Washington Narrows Bridge project.
- Represented a public owner on a bridge painting project on Washington's Olympic Peninsula.
- Represent numerous local real estate developers with ongoing construction issues on multifamily mixed use for sale and lease projects.