PENDER & COWARD
ATTORNEYS AND COUNSELLORS AT LAW

PRACTICE AREA

CONSTRUCTION LAW

Pender & Coward's Construction Law attorneys represent large and small businesses, as well as individual owners, developers, general contractors, subcontractors, suppliers and material men. We negotiate and handle building construction contracts, repairs, rehabilitation and demolition of commercial, governmental, and residential buildings, and roadways, dams, bridges, bulkheads, and golf courses.

Our construction lawyers handle the broad range of matters encountered in the construction industry, including:

- Contracts for construction, remodeling, rehabilitation and demolition of buildings and other structures
- Licensing of contractors, architects and professional engineers
- Building codes, building permits, zoning, special use permits and condominiums
- Change orders, extra work orders and differing site condition claims
- Immigration, labor law, safety, and Federal and Virginia Occupational, Safety, Health Administration (OSHA/VOSHA) rules, regulations and violations
- Claims, defenses and enforcement of mechanics and materialmen liens
- Insurance coverage for builders' risk, liability and property damage
- Creditors' rights relating to bankruptcy of owners, contractors, subcontractors or materialmen
- Project scheduling issues, delay claims and time extensions
- Inspection, acceptance and warranty matters
- Termination of contracts for the conveinience of the Government or for default and monetary claims for default
- Litigation and alternative dispute resolution related to construction

VIRGINIA BEACH
222 Central Park Ave. Suite 400
Virginia Beach, VA 23462

CHESAPEAKE
709 Greenbrier Parkway
Chesapeake, VA 23320

SUFFOLK
117 Market Street
Suffolk, VA 23434

Construction is extensively regulated by government statutes, and contract provisions, and is subject to rulings of the courts and administrative tribunals applying common law principles which are unique to construction contracts. It is very important to have an attorney with extensive experience in construction law to provide advice and representation during the formation of construction contracts and throughout the performance of construction projects. Among our experienced attorneys are one practicing construction law for over 50 years, and another with over 30 years' experience.

REPRESENTATIVE CASES AND TRANSACTIONS

- Successfully litigated and negotiated a $4.3 million settlement of contractor's claim for added costs due to differing site conditions, delays and design defects of federal office building.
- Successfully litigated claims on highway project for delays, breach of implied warranty of access to jobsite, differing site conditions, and payment for owned equipment costs in lower courts and Virginia Supreme Court.
- Litigated and settled Miller Act Claim and recovered over $280,000 for a national material supplier.
- Litigated and won a jury verdict for damages and attorney's fees on behalf of a general contractor against an apartment complex owner for performing renovation work due to storm damage to an apartment complex in Norfolk, Virginia.
- Made claims, litigated and settled claims exceeding $500,000 for constructive change orders on behalf of a steel fabricator located in Chesapeake, Virginia, against the contractor of a coal-fired co-generation facility in Portsmouth, Virginia, built to provide steam and electricity.
- Successfully arbitrated claims in Seattle, Washington, under American Arbitration Association Construction Rules on behalf of a general contractor against the performance bond surety of a subcontractor. The claim for defective work and failure to complete work involving concrete rehabilitation and restoration of the Pudget Sound Naval Shipyard Drydock #6, resulted in an arbitration award and recovery of over $450,000, including all attorney's fees and costs incurred.
- Litigated claims in the U.S. District Court for the Eastern District of Tennessee, and settled claims exceeding $400,000 for constructive change order work, and delay and disruption claims, on behalf of a subcontractor for cleaning and re-coating above-ground diesel fuel storage tanks owned by the Tennessee Valley Authority.
- Presented claims to Tennessee Army National Guard for partial termination for convenience of a construction contract to renovate two buildings, assisted in DCAA audit responses, and negotiated a favorable resolution for

- client.

- Litigated claims exceeding $1 million on behalf of Norfolk, Virginia, residential owners' association against the developer and office unit owners' association of a luxury residential, retail and office mixed-use condominium project for defective construction, beach of warranties and fiduciary duties, and achieved favorable settlement for client in mediation.

- Represented general contractor in claims for payment of amounts due in connection with construction of a church in Newport News, Virginia, and prosecuted and defended numerous mechanic's lien cases by subcontractors, and against the owner, resulting in favorable settlement and payment to the client without need for mediation.

- Litigated numerous claims on behalf of homeowners against general contractors, obtained judgments on behalf of owners, and pursed claims on behalf of owners under the Contractor's Recovery Fund.

- Prosecuted and defended contractors in connection with violations of the applicable laws and regulations before the Contractor's Board of the Virginia Department of Professional and Occupational Regulations.

- Filed and resolved numerous mechanic's lien claims for and against contractors, subcontractors and material men.

- Represented a city in successful mediation of claim against contractor for defective construction of a bridge involving approximately $3.5 million to reconstruct bridge.

- Represented a subcontractor in in mediation of third party complaint by prime contractor which resulted in a settlement in suit brought by public university against contractor for cost of $1.2 million to remove and replace defective precast stairs in new dormitory.

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Practicing Attorneys

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