

Construction and Development

Having negotiated and drafted, over many decades, an unusually high volume of construction, engineering and design-related contracts for both our owner and tenant clients, our attorneys are well-versed in the latest issues and concerns confronting the parties to those contracts. Most recently, we have seen a significant increase in unavoidable delay and cost overrun claims. Many of the biggest players in the real estate industry count on us to protect their interests as they enter into agreements with all manner of vendors, professionals and service providers involved in the build-out of their commercial spaces. Based on our substantial experience over the years in handling these types of agreements — and confronting the related issues involved — we are well suited to navigate our clients through this critical process.

Seeing the Big Picture

Our prominent role in commercial leasing nationwide gives us a broad view of the entire landscape of landlords, tenants and contractors. Because there is a construction component to virtually every lease, we advise clients at every stage of their build-out, often helping them with bids and proposals in advance of any contract. With the understanding that litigation in these difficult times tends to impact all sides, we work to resolve disputes well before they reach that critical point. If litigation is nonetheless inevitable, we have the skills and experience to advocate for our client's interests in the courtroom.

Understanding *Force Majeure*

As the pandemic has become, in effect, the ultimate unforeseen event, *force majeure* provisions have assumed an unexpectedly prominent role in contract negotiations. Our clients turn to us to make sure these provisions are carefully crafted to protect them, wherever possible, against the myriad problems currently plaguing every sort of project. Since we represent both landlords and tenants, we have a good understanding of what the market allows in these situations, and we can tailor *force majeure* provisions to the needs of either party.

Changing Standard Forms

Our wide-ranging experience in crafting construction agreements has made us keenly aware of the shortcomings of industry-standard contract documents. Accordingly, we have created and fielded our own set of standard forms, inserts and riders in order to better address the needs of our clients. These forms reflect a deeper understanding of construction issues and provide more effective protections against the panoply of risks inherent in any construction venture.

Representative Matters

- Advised a national dental practice on construction agreements for the build-out of its fast-growing retail business through the Northeast. We developed a contract form tailored to the client's build-out requirements and worked with them to spot critical issues and negotiate deal-specific build-outs.
- Negotiated various contracts for the construction of an international financial institution's new U.S. corporate headquarters in New York City, including a \$75 million build-out contract.

- Represented a global multinational investment bank in negotiating professional services and construction contracts for its wealth management office leases throughout the U.S.
- Created form construction contracts and vendor agreements for an advertising holding company and its subsidiaries for its U.S. office renovation projects of more than 40 million square feet.
- Represented owner of a professional baseball team in the renovation of its stadium.
- Represented the owner in its base building construction contracts to renovate a vacant 1 million square feet class A office building in downtown Manhattan for future tenant leasing purposes.