



TOP 10 TASKS/TOOLS • SELF-GUIDED TOUR

Practical Guidance Construction

This list contains key resources and tools offered by the Construction practice area.

1. RESOURCE KITS

Explore curated Resource Kits that compile practice notes, articles, trackers, checklists, state law surveys, templates, and clauses on key Construction topics for easy access.

Resource Kit

- [Construction Resource Kit](#)
- [Mechanic's Lien Resource Kit](#)
- [AIA Resource Kit](#)
- [First Year Associate Resource Kit: Construction](#)
- [Owner and Contractor Agreement Resource Kit](#)
- [Owner and Architect Agreement Resource Kit](#)

2. STATE LAW SURVEYS

Use multi-state surveys to learn about discrete points of law affecting Construction practice. Surveys save valuable time by identifying and breaking down authority and providing links to source material, including statutes, regulations, and caselaw. Examples of state law surveys:

Survey

- [Anti-Indemnity Statute State Law Survey](#)
- [Contingent Payment Clauses in Construction Subcontracts State Laws Survey](#)
- [Construction Contract Forum-Selection and Choice of Law State Law Survey](#)
- [Prompt Payment Acts and Lien Waivers \(Private Construction\) State Law Survey](#)
- [Prompt Payment Acts \(Public Projects\) State Law Survey](#)
- [Public Construction Projects Performance and Payment Bonds State Law Survey](#)

3. STATE LAW COMPARISON TOOL

Compare laws across multiple jurisdictions by selecting questions to create customized charts. Questions address: licensing requirements for construction and design professionals, anti-indemnity statutes, Little Miller Acts, prompt payment statutes, mechanic's lien practice, and more.

Tool [State Law Comparison Tool](#)

4. CONTRACT DOCUMENTS

Draft and negotiate construction contracts and subcontracts, design professional agreements, and key ancillary agreements with ease and confidence.

Practice Note [Owner-Contractor Agreements](#)
[Owner-Architect Agreements](#)

Checklist [Contractor's Fixed-Price Construction Contract Checklist](#)

Template [Construction Contract](#)
[Agreement Between Owner and Architect](#)
[Construction Subcontract Agreement](#)

Clause [Pay if Paid Clauses \(Construction Subcontract\)](#)

5. PROJECT PLANNING

Understand the key steps for setting a construction project up for success and avoiding regulatory delays and other disruptions and disputes during project completion.

- Practice Note** [Construction Pricing Models: Choosing an Appropriate Pricing Arrangement Advantages and Disadvantages of the Primary Construction Project Delivery Methods](#)
- Tracker** [Presidential Executive Orders Affecting Construction Industry Tracker](#)
- Checklist** [Renewable and Clean Energy Tax Incentives State Law Survey](#)
[Water Rights and Uses Checklist](#)

6. MECHANIC'S LIENS

Master the mechanic's lien process. In addition to guidance and lien forms for more than 20 jurisdictions, resources include:

- Resource Kit** [Mechanic's Lien Resource Kit](#)
[Mechanic's Lien State Laws Survey](#)
[Prompt Payment Acts and Lien Waivers \(Private Construction\) State Law Survey](#)
- Practice Note** [Partial and Final Lien Waivers](#)
- Article** [Defending Construction Contractor's Claims--Has the Contractor Released Its Rights?](#)

7. DISPUTE RESOLUTION

Learn about alternative dispute resolution options and litigation strategies to resolve disputes before they derail a project.

- Practice Note** [Expert Interview: Using Mediation to Resolve Construction Disputes](#)
[Arbitration of Construction Disputes under the Rules of American Arbitration Association](#)
[Selecting, Hiring, and Working with Expert Witnesses in Construction Claims](#)
[Construction Arbitrator Selection](#)
- Article** [Using Evidence to Demonstrate a Contractor's Bad Performance: What Can We Learn from Southwest Electric Contracting Services v. Industrial Accessories Co.?](#)

8. RISK MANAGEMENT AND ALLOCATION

Find out how to assess and mitigate the inherent risks of construction work, including those triggered due to design and construction defects, by obtaining appropriate insurance coverage and including indemnification clauses in the contract documents.

- Practice Note** [Insuring Construction Risks through Commercial General Liability Policies](#)
[COVID-19 Liability of Architects, Engineers, and Related Design Professionals](#)
- Survey** [Trigger of Coverage for Construction Defects and Non-latent Injury and Damage Claims State Law Survey](#)
- Checklist** [Supply Chain Insurance Claims Checklist](#)

9. PUBLIC PROJECTS/PUBLIC PRIVATE PARTNERSHIPS

Find key resources for advising clients involved with public projects and public-private partnerships, including statutory and regulatory requirements for contractors working on federal government projects and project finance considerations.

- Practice Note** [Public Private Partnerships](#)
[Buying American: Country of Origin Requirements in U.S. Government Contracts](#)
[Strategies for Avoiding False Claims Act Penalties on Federal Construction Projects](#)
- Article** [Final Rule Amends FAR Part 25 Domestic Content Threshold Under Buy American Act](#)
- Checklist** [Davis-Bacon Act Compliance Checklist](#)

10. CONSTRUCTION FINANCE

Develop essential skills to effectively guide borrowers and lenders through all stages of construction finance transactions, from conducting due diligence to negotiating the loan documents to overseeing the closing.

- Practice Note** [Construction Loan Agreements](#)
[Due Diligence in Construction Lending](#)
- Checklist** [Construction Loan Due Diligence Checklist](#)
- Template** [Promissory Note \(Construction Loan\)](#)

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