

Theodora Oringher has established a preeminent practice specializing in construction law and advising and representing clients in large, complex, and high-profile matters. Our construction lawyers represent owners, design professionals, contractors, subcontractors and suppliers, lenders and other project participants. We have handled infrastructure projects (e.g., subways, roads, desalination plants), health care projects (e.g., hospital buildings and specialized facilities), government buildings (e.g., schools, administration buildings), energy projects (e.g., power plants, pipelines), and general commercial and industrial projects. Our core group of construction attorneys have practiced together for over ten years and have developed a collaborative approach by which they leverage their combined experience for the benefit of our clients.

The Firm does substantial construction work for public entity clients, and is expert in public law, including the gamut of specialized statutes and procedures applicable to public works contracting. We count among our clients some of the largest public entities in southern California, and among the projects we have handled some of the largest and most complex public works projects in southern California. Our experience includes matters that are unique to public contracts, including federal False Claims Act, state false claims statutes, unfair competition laws, bid protests and other disputes involving competitive bidding requirements, contractor licensing, subcontractor listing laws, prequalification disputes, debarment hearings, stop notices and prevailing wage issues.

Our construction attorneys are experienced and capable of handling the full range of issues presented in connection with construction programs and projects, starting with preparation and negotiation of the contract documents for the project itself and for the entities that will own, operate, and construct them, continuing with project execution through claims counseling and changes, and concluding with project closeout, including (where necessary) alternative dispute resolution and litigation. Where a particular experience is required, our attorneys offer a complete range of skill sets in more targeted areas, such as competitive bidding, contractor licensing and surety disputes.

- › *Claims and Disputes.* Our attorneys have substantial trial, arbitration, mediation and other ADR experience with construction disputes and understand firsthand the challenges posed by such matters. This experience includes the prosecution and defense of construction and design-related claims brought by or against owners, developers, contractors, subcontractors, construction managers, suppliers, manufacturers, architects, engineers, and sureties. Our construction attorneys have litigated all types of claims, including:
 - › Competitive bidding requirements and litigation, including applicable statutory and common law exceptions, bidder responsibility and responsiveness.
 - › Claims and change order procedures and limitations, including statutory requirements imposed by the Government and Public Contracts Code and effect of California decisional law on the enforceability of particular contract language.
 - › Claims by and against architects, engineers, program managers, construction managers, general contractors, subcontractors, suppliers, laborers, union trust funds and sureties.
 - › Terminations of contractors for default and related issues of enforcing payment and performance bonds and working with sureties and completion contractors.
 - › False and fraudulent claims and records, and when and how to investigate, document and assert such claims in appropriate cases.
 - › Claims involving asserted differing site and other conditions allegedly resulting in delays, increased

costs and other adverse impacts to project completion.

- › Inefficiency and lost productivity claims made by contractors based upon asserted project changes by owner.
- › Disruption and interference claims asserts in response to owner's separate operations or work on other projects.
- › Acceleration and other complex claims by contractors based on changes made by owner in projects after award.
- › A myriad of other issues, including, debarment and due process hearings, subcontractor and pass through claims, stop notices and labor withholds.
- › Claims involving design professional services, including copyright infringement, defective specifications, errors and omissions, implied warranty of sufficiency and consequential damages arising from changes to plans and specifications.
- › ***Project Phase Advice and Consulting.*** Our construction lawyers actively provide representation in connection with day-to-day management of projects and contract administration, such as additional service claims by design professionals, change order disputes, back-charge claims, insurance recoveries, delay and disruption claims by contractors and subcontractors, and the "close-out" of projects (including the termination of the services of defaulting design professionals, contractors, and subcontractors, and the engagement of entities to substitute for the foregoing).
- › ***Contracting.*** The Firm's contracting services include contractor prequalification procedures and the preparation, negotiation, and administration of design, construction, and development contracts and other related documents. These services include development of contract documents defining the contractual relationships between owners and their architects, engineers, and contractors. We are experienced in preparing agreements between architects and engineers, between general contractors and subcontractors, and between construction manager/agents and trade contractors, all of which require a unique understanding of the business and legal differences between the various project delivery systems. In addition, we are experienced in the preparation of specialized documentation used on many construction projects, such as consulting agreements, bid documents, purchase orders, joint venture development agreements, utility agreements, owner's representative agreements, multiple prime contracts, phased construction agreements, maintenance and service agreements, space planning agreements, tenant leasehold improvement agreements, completion and takeover contracts, bonds, guarantees, and many others.

In sum, our attorneys have the experience, knowledge, and horsepower to effectively and efficiently assist our clients in all aspects of public and private construction projects.



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