



Our attorneys act as counsel on all aspects of library construction projects, including compliance with applicable statutes and administrative rules, preparing front-end construction and bidding documents, advising on various project delivery models, addressing procurement disputes, reviewing prevailing wage issues and resolving or litigating claims during and after construction.

A distinguishing feature of our practice is the substantial field experience many of our attorneys have in the construction industry. Our group includes attorneys who are registered professional engineers and attorneys with engineering and construction management backgrounds. This unique and practical experience in the construction industry allows us to quickly identify issues and develop pragmatic, real-world solutions that result in focused and efficient services for our clients.

Clients who come to Bricker Graydon for our knowledge in construction law also experience the benefit of the firm's full-service capabilities. Whenever needed, we can involve attorneys seasoned in real estate transactions, environmental issues, bond issues and other financing approaches, intellectual property issues, tax matters, lease-purchase agreements, education matters, and other areas of the law.

**Bricker Graydon's
Construction Law group
provides a full range of
legal services to public
entities. We have experience
preparing and negotiating
general contractor,
construction manager
at risk, and design-build
agreements on projects of all
sizes, including those with
budgets of over \$1 billion.**



Bricker Graydon construction attorneys have served libraries throughout Ohio. Our talented team includes attorneys who are registered professional engineers and attorneys with construction management backgrounds.

Construction Counsel

Whether you are considering a new building project, renovation, or are experiencing problems with an existing one, our team of attorneys provides guidance.

Project Planning Services

- Review and evaluate the best project delivery models (design-build, construction manager at risk, general contractor, etc.) to help determine which is in the best interest of the project and the client
- Advise regarding public bidding and statutory procurement requirements
- Advise regarding urgent necessity projects

Project Document Preparation & Coordination

- Prepare bidding documents, including advertisements, notices to bidders, instructions to bidders, bid forms, and owner-contractor agreements for general contractor projects
- Prepare request for qualifications and/or request for proposals for architects/engineers, construction managers at risk, or design-builders and advise regarding evaluation criteria and other requirements for performing the work
- Assist with the review and analysis of contractor bids and construction manager or design-build proposals
- Negotiate and prepare contracts for owner representative, design services, construction managers at risk, and design-builders

- Assist with consultant agreements for services provided by other design professionals, including abatement, geotechnical, surveying, materials testing and inspection, and commissioning
- Provide general advice regarding the costs and benefits of bonding and insurance, including surety bonds, subcontractor default insurance (SDI), owner controlled insurance programs (OCIP), and contractor controlled insurance programs (CCIP)

Construction & Post-Construction Services

- Review Guaranteed Maximum Price (GMP) documents and prepare contract documents memorializing GMP
- Assist with scope of work and change order disputes
- Assist with requests for additional compensation from design professionals, construction managers, consultants, and contractors
- Assist with contractor and/or subcontractor default
- Assist with addressing lien affidavits under the Ohio Mechanic's Lien Law
- Advise regarding design and construction defects
- Assist with differing site conditions claims
- Assist with delay and acceleration issues
- Assist with claims and dispute resolution, including negotiation, mediation, mini-trials, arbitration, and litigation

Representative Experience

Design Professional Procurement

Advised and assisted with procurement and contract documents for design professionals for library projects including using the prequalification file and emergency exceptions under Ohio law.

Master Planning, Feasibility Study, & Site Assessment

Advised and prepared procurement and contract documents for design professionals performing feasibility study, master planning, and site assessment services for library system maintenance, renovations, and new build projects.

Faulty Roof Construction

Successfully represented a library in a lawsuit against six companies responsible for the faulty design and construction of the heavy timber frame roof of the library with damages estimated at \$1.8 million.

Renovation & New Construction CMR Projects

Assisted with design professional procurement and contract documents as well as construction manager at risk (CMR) procurement and contract documents for renovation and new construction projects for libraries, including projects involving multiple branches. Individual project values ranged from \$1 million to \$50 million.

Library Diversity & Inclusion Guidelines

Prepared diversity and inclusion guidelines and incorporated them into the procurement process for a large public library system.

Statutory Bidding General Contractor Construction Projects

Assisted with the selection of a design professional following the statutory process, negotiation of the

agreement for design services, and preparation of the construction contractor legal bidding documents. Advised during competitive bidding of general contractor and evaluation of bid submittals. Assisted with the statutory bidding process applicable to the work, and preparation of the construction contract, Board resolution, and related documents with the lowest responsible bidder. Projects included library roof renovations/replacements, façade repair, new maker space, children's discovery renovation, chiller replacements, elevator repair/replacement, and others. Individual project values ranged from less than \$100,000 to over \$2 million.

Delay Claims & Building Leaks

Assisted with evaluation of delay claims from construction manager at risk during construction and represented library relating to defective work and numerous building leaks before project close-out for new library branch.

Urgent Necessity Projects

Assisted with Board resolutions and procurement and contract documents for projects where competitive bidding was waived due to an urgent necessity. Projects included library elevator repairs, HVAC replacement, and Carnegie stair repair.

Association Libraries

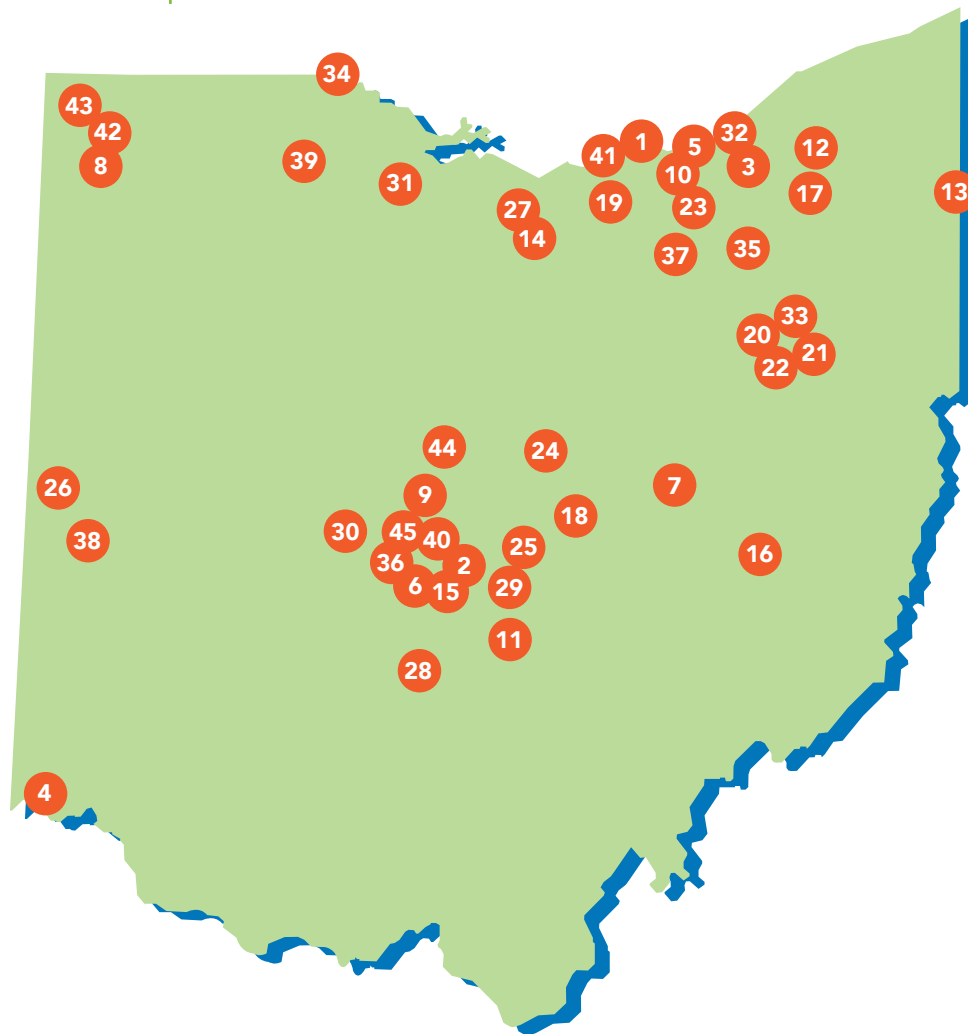
Advised association libraries on applicable and non-applicable statutory requirements for design professional, general contractor, and construction manager at risk procurements, and prepared procurement and contract documents.

Equipment & Furnishing Projects

Evaluated and advised on whether competitive bidding statutory requirements apply to a variety of equipment, furnishing, and similar projects including shelving, security equipment, and signage repairs.



Ohio Library Construction Clients



- | | | |
|--|---|---|
| 1. Avon Lake Public Library | 16. Guernsey County District Public Library | 30. Plain City Public Library |
| 2. Bexley Public Library | 17. Kent Free Library | 31. Sandusky Library |
| 3. Burton Public Library | 18. Licking County Library | 32. Shaker Heights Public Library |
| 4. Cincinnati and Hamilton County Public Library | 19. Lorain Public Library | 33. Stark Library |
| 5. Cleveland Public Library | 20. Loudonville Public Library | 34. Toledo-Lucas County Public Library |
| 6. Columbus Metropolitan Library | 21. Louisville Public Library | 35. Twinsburg Public Library |
| 7. Coshocton County District Library | 22. Massillon Public Library | 36. Upper Arlington Public Library |
| 8. Defiance Public Library System | 23. McKinley Memorial Library | 37. Wadsworth Public Library |
| 9. Delaware County District Library | 24. Mt. Vernon & Knox County Public Library | 38. Washington-Centerville Public Library |
| 10. Elyria Public Library | 25. Muskingum County Library System | 39. Wayne County Public Library |
| 11. Fairfield County District Library | 26. New Madison Public Library | 40. Westerville Public Library |
| 12. Geauga County Public Library | 27. Norwalk Public Library | 41. Westlake Porter Public Library |
| 13. Girard Free Library | 28. Pataskala Public Library | 42. Williams County Public Library |
| 14. Grafton-Midview Public Library | 29. Pickerington Public Library | 43. Wood County District Public Library |
| 15. Grandview Heights Library | | 44. Wornstaff Memorial Public Library |
| | | 45. Worthington Public Library |

Meet the Team



Laura J. Bowman
614 227 4842
lbowman@brickergraydon.com



Mark Evans, P.E., Chair
513 870 6680
mevans@brickergraydon.com



Benjamin B. Hyden
513 870 6575
bhyden@brickergraydon.com



Tarik M. Kershah
614 227 8814
tkershah@brickergraydon.com



Joseph E. Riley, P.E.
614 227 4926
jriley@brickergraydon.com



Doug Shevelow
614 227 4803
dshevelow@brickergraydon.com



Leah Thorsen
614 227 4826
lthorsen@brickergraydon.com



Holli J. Burnett
Paralegal
513 870 6691
hburnett@brickergraydon.com

CONSTRUCTION LAW GROUP

Mark Evans, P.E., Chair
937 535 3915
mevans@brickergraydon.com

Laura J. Bowman
614 227 4842
lbowman@brickergraydon.com

Christopher R. Butler
614 227 2320
cbutler@brickergraydon.com

Alexander N. Fowler
614 227 2362
afowler@brickergraydon.com

Benjamin B. Hyden
513 870 6575
bhyden@brickergraydon.com

Tarik M. Kershah
614 227 8814
tkershah@brickergraydon.com

Samuel Lewis, P.E., S.E.
614 227 8856
slewis@brickergraydon.com

Christopher L. McCloskey
614 227 2385
cmcloskey@brickergraydon.com

Brock A. Miskimen
614 227 2340
bmiskimen@brickergraydon.com

Nelson M. Reid
614 227 8812
nreid@brickergraydon.com

Casey L. Rieth
614 227 2305
crieth@brickergraydon.com

Joseph E. Riley, P.E.
614 227 4926
jriley@brickergraydon.com

Doug Shevelow
614 227 4803
dshevelow@brickergraydon.com

William M. Somodi
614 227 8807
wsomodi@brickergraydon.com

Leah Thorsen
614 227 4826
lthorsen@brickergraydon.com

Holli J. Burnett
Paralegal
513 870 6691
hburnett@brickergraydon.com