



Navigating the complexity of a construction project requires the constant attention from all concerns to achieve the satisfactory completion of a project in a timely and profitable fashion. Careful preparations of construction contracts are as vital to a successful well built project as is an experienced contractor or Architect. Construction disputes take on many forms that not only can disrupt the timing and increase associated costs to all parties involved but may even result in lost profits for all even when a project has been successfully completed. When construction disputes arise, it is important to have an attorney that not only understands the legal pitfalls of construction disputes but also has a working knowledge of the varied trades and professionals and their responsibilities in a construction project. With over twenty years in the construction and site development industry, we at the Law Offices of Dominick Rendina understand the legal and logistic complexity of construction projects from the drafting and negotiating contracts to arbitration and litigation.

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Contract Preparation & Negotiation

A successful construction project begins and ends with properly drafted and negotiated construction contracts. Careful planning and negotiation can not only prevent disputes as the projects progress but also minimize expenses when disputes arise. Although construction disputes may arise from even the most carefully drafted contracts, a well drafted contract can

minimize loss of profits by minimizing delay. Most construction projects contain many of the same components such as architectural and engineering plans, site development, building construction, electrical, heating and ventilation and plumbing, however, as no two projects are exactly the same nor can any two contracts. Depending upon the size and complexity of the project, construction contracts require careful drafting to consider these complexities while maintaining clarity as to the responsibilities and duties of all involved parties. Whether you are an owner, contractor, subcontractor, design professional, developer or material supplier, you need an Attorney who can understand your specific construction profession and negotiate and draft contracts accordingly. At the Law Offices of Dominick Rendina will are prepared to examine all available construction law options to best prepare your business for future issues that may arise and protect our client's interests and rights when they do.

Construction Litigation

Construction disputes can arise for any reason and from any party involved in a construction project. However, the most common denominator in construction disputes usually stems from the differing interpretation as to the meaning of an aspect of the contact such as the degree of performance required to satisfy completion or lack thereof. Some of the most common issues that arise in construction disputes are:

- DELAY
- CHANGED CONDITIONS
- SCHEDULING

DELAY: A party's profit is directly related to that party's ability to perform according to their calculated time. When a time delay causes loss of performance it can cause irreparable damage in lost profits. Immediate action is necessary to resolve the issues that cause such delay in order to mitigate loss of time and achieve the calculated profits.

CHANGED CONDITIONS: Changed conditions on construction projects can arise from issues that were not known or disclosed at the time the parties entered into contract. These issues can arise from several factors such as subsurface obstructions or other hidden conditions or unknown factors that can substantially interfere with a contractor's ability to perform. We are prepared to represent your interest to prevent unnecessary and unanticipated costs.

SCHEDULING CONFLICTS: Scheduling changes or conflicts directly affect a party's performance and the ability to properly allocate manpower in an efficient manner. A simple unanticipated change in a project can disrupt the balance and timing that may affect several construction parties. These issues become more complex, for example, when a party who is contracted in multiple unrelated projects suddenly experiences the imbalance of a single schedule change in one project that can cause a devastating economic ripple effect in the other unrelated projects. Even the smallest of these types of issues require immediate legal attention to minimize the financial hemorrhaging that accompanies lost time on a construction project.

Arbitration and Mediation

Litigation is not the only avenue available to protect a party's interest. Many times in construction disputes, arbitration or mediation can provide a more tailored and streamlined option to litigation. Arbitration or mediation can sometimes minimize the costly and time consuming process associated with litigation and trial. Arbitration affords parties a more relaxed venue to negotiate the issues with a neutral arbitrator or mediator that is experienced and knowledgeable in the varied construction aspects of projects as well as the applicable law. We can represent your interest in mediation, arbitration and, if necessary, in court.

Public Construction Projects

Municipal, State and Federal construction projects come with their own set of standards and parameters that require careful compliance prior to and throughout a construction project. Common issues to these forms of projects range from prevailing wage qualifications to time of the essence issues. These issues magnify the need for pre-contract negotiation and preparedness to successfully navigate these forms of projects. We are prepared to assist and navigate this sometimes complex area of construction law.

Home Improvement Construction

The Connecticut Department of Consumer Protection Home Improvement Act specifically regulates the improvement of construction and construction related trades on residential homes in the State of Connecticut. The home improvement act was enacted to protect the rights of consumers by mandating that all contractors and subcontractors register as home improvement contractors prior to engaging in home improvements. In fact, very few contractors realize that failure to comply with the registration and other requirements is a criminal offense.

Requirements of Home Improvement Construction

To engage in home improvement improvements or new construction in the State of Connecticut the threshold is a two pronged approach that requires:

1. REGISTRATION
2. WRITTEN CONTRACTS

REGISTRATION - A contractor who engages in construction and construction related improvements on residential homes in Connecticut must be registered and more importantly, so must any sales person whom represents or sells such services for the contractor. Registration requires several steps to qualify for a home improvement license and such requirements may vary depending on the type of construction the contractor is engaged in. We can help you navigate the process and avoid delay or denial of a license.

WRITTEN CONTRACTS - Prior to the start of any construction or construction related home improvement, a contractor must provide the property owner or person responsible for the work on the property a written contract. All written contracts for home improvements also require specific clauses that entitle the homeowner certain rights and protections. For example, the contract must indicate the client's 3 day cancellation right. New home construction contractors have specific conditions that must be met by the contractor when contracting to build and sell new homes in Connecticut. For example, a new home construction contractor shall include in every contract with a consumer a provision advising the consumer that the consumer may be contacted by such contractor's prospective customers concerning the quality and timeliness of such contractor's new home construction work. The consumer may advise the contractor in writing upon execution of the contract that they do not wish to be contacted.

Contractor and Homeowner Representation

Whether you are a contractor or a homeowner, your goal in seeking a satisfactory and successful completion of a home improvement or new construction project is paramount. At the Law offices of Dominick Rendina - Attorney At Law, we are prepared to assist either party to streamline any disputes or issues to allow the contractor to successfully move on to the next project or assist the client to move in to their home as quickly as possible.

Foundation and Subsurface Conditions

Foundation and subsurface issues can arise in any site or from subterranean conditions such as differing soil, rock or water conditions that were not anticipated, misdiagnosed or improperly designed for. Foundations issues become common problems due to the inability to see below the surface during the planning process prior to excavation or drilling. When an improper foundation or earth retention systems is designed for a subsurface condition that was not anticipated a change must be made quickly to minimize downtime on the project for all parties involved. Having a clear understanding of different subsurface conditions and the requisite foundation and earth retention systems available for a specific condition can help clarify the legal issues in getting the project back on track. Our familiarity with many of the common earth retentions systems and their applications such as cofferdams, injected footing, soil nailed walls and frozen soil conditions can maximize a contractor's legal rights while minimizing effects of delay or materials and manpower already allocated to the project.

Construction Mechanic Liens and Surety Bonds

When delays or other problems on a construction site slow or halt the pace of work, so does the flow of capital from owner to contractor or contractor to subcontractor or suppliers. In Connecticut, parties to a construction project who are not paid on time after having substantially completed their contractual duty or provided materials to a project may file a mechanics lien on

the property. In Connecticut, like most states, a mechanics lien is a statutory creature created by the state to provide recourse for compensation of completed work or supplied material on a project without pursuing litigation. If you are a contractor, supplier or subcontractor on a project who has not been properly compensated for your performance, you need to secure your rights and interests by filing mechanics liens. Connecticut's Mechanic lien law is complex and requires careful preparation to insure a party's rights are protected and prevent a possible discharge of the lien. Although mechanic liens are not permitted on public projects, there are other options for a party to protect their interest such as making a claim against the payment bond or filing a claim against the owner of the project.

With a surety bond, the surety bond company stands behind the contractors to assure the parties whom seek to contract with the contractor that he is qualified to perform on a given contract. Under the Miller Act, US Federal projects over \$100,000.00 require that all contractors obtain surety bonding. The legal interworking of a surety bonding is complex and requires careful guidance when seeking bonding and issues that may arise related to bonding during the project. We can help and guide you toward the best option that benefits your company's particular bonding or lien issues as they arise.