

20 TIPS IN 20 MINUTES:

# HANDLING CONTRACT RISK ON HDD PROJECTS

**TRENCHLESS**

**LEGAL SERVICES**





# The Underground Utilities Event

Underground Construction Technology | January 28-30, 2020 | Fort Worth, TX



## 1/DISPUTED CLAIMS & LAWSUITS: THE RECIPE



**2/THE 3 CONTRACTING CATASTROPHES**



# DISPUTED CLAIMS & LAWSUITS





## 3/THE COSTS & RISKS OF GETTING STUCK

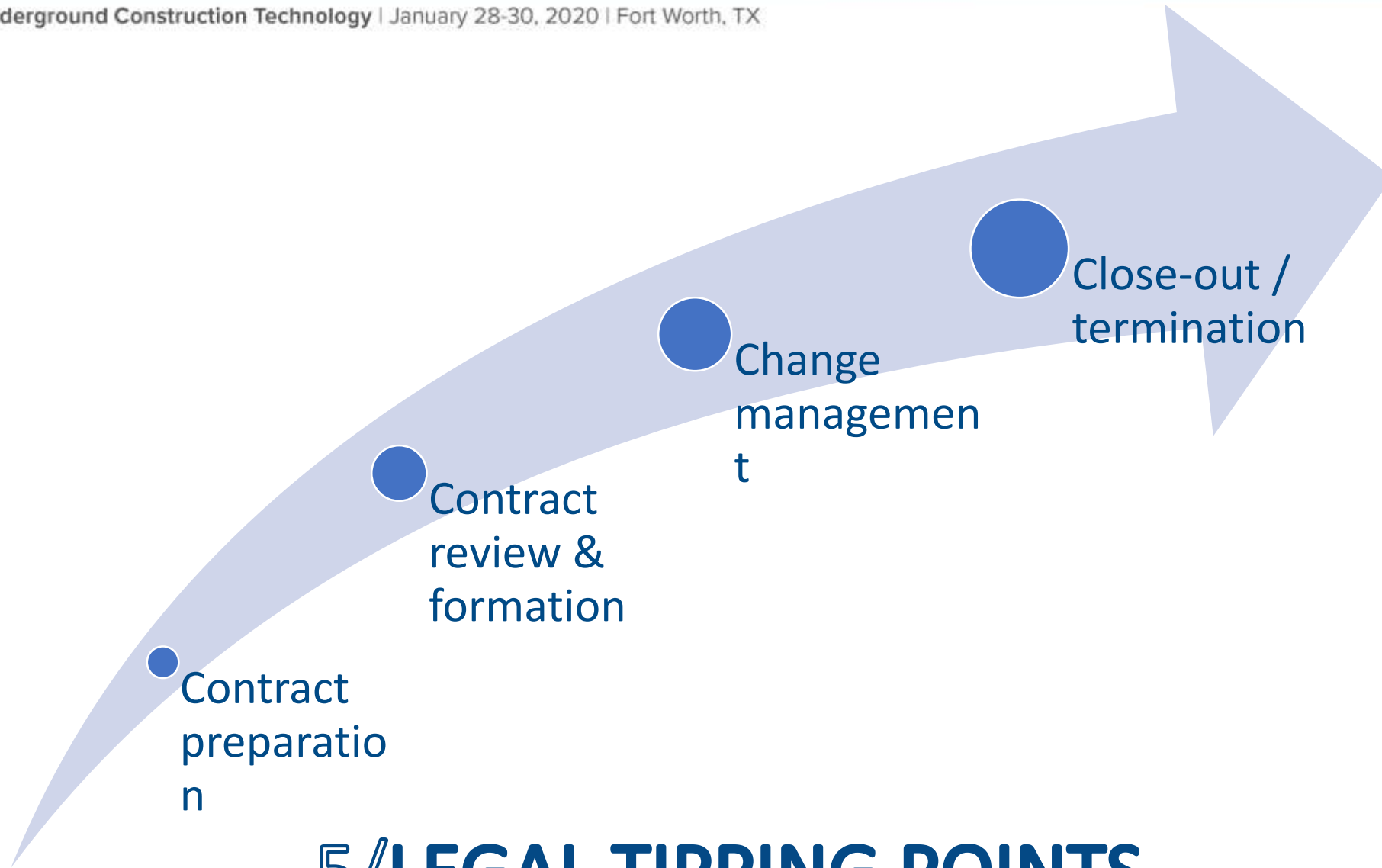


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## 4/LITIGATION: A LIFESTYLE DISEASE



## 5/LEGAL TIPPING POINTS



# LOST & COMPROMISED CLAIMS





**6/LIENS & BONDS: CLEAR THE HURDLES**

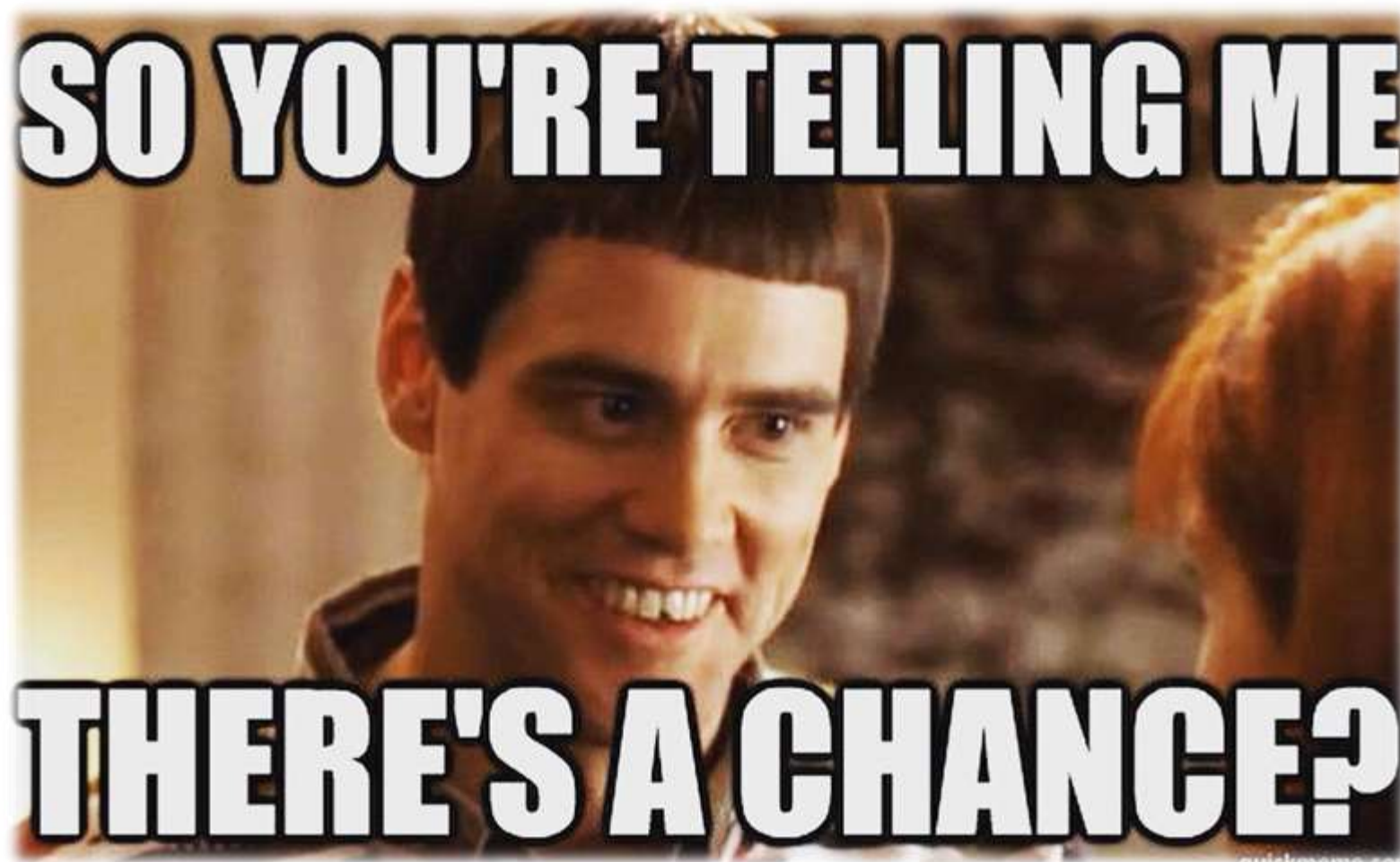


**7/FIRST RULE OF CHANGE MANAGEMENT:  
READ THE CONTRACT**





**8//IF YOU COULD FOLLOW THE CONTRACT, THAT'D BE GREAT...**



9/...BUT DON'T LOSE HOPE IF YOU DIDN'T





## 10/DOCUMENTS & DOCUMENTATION



**11/KNOW YOUR ENDGAME STRATEGY**



**12/DON'T FORGET ABOUT  
INSURANCE AND BONDS!**





# UNCONSCIOUS RISK ASSUMPTION



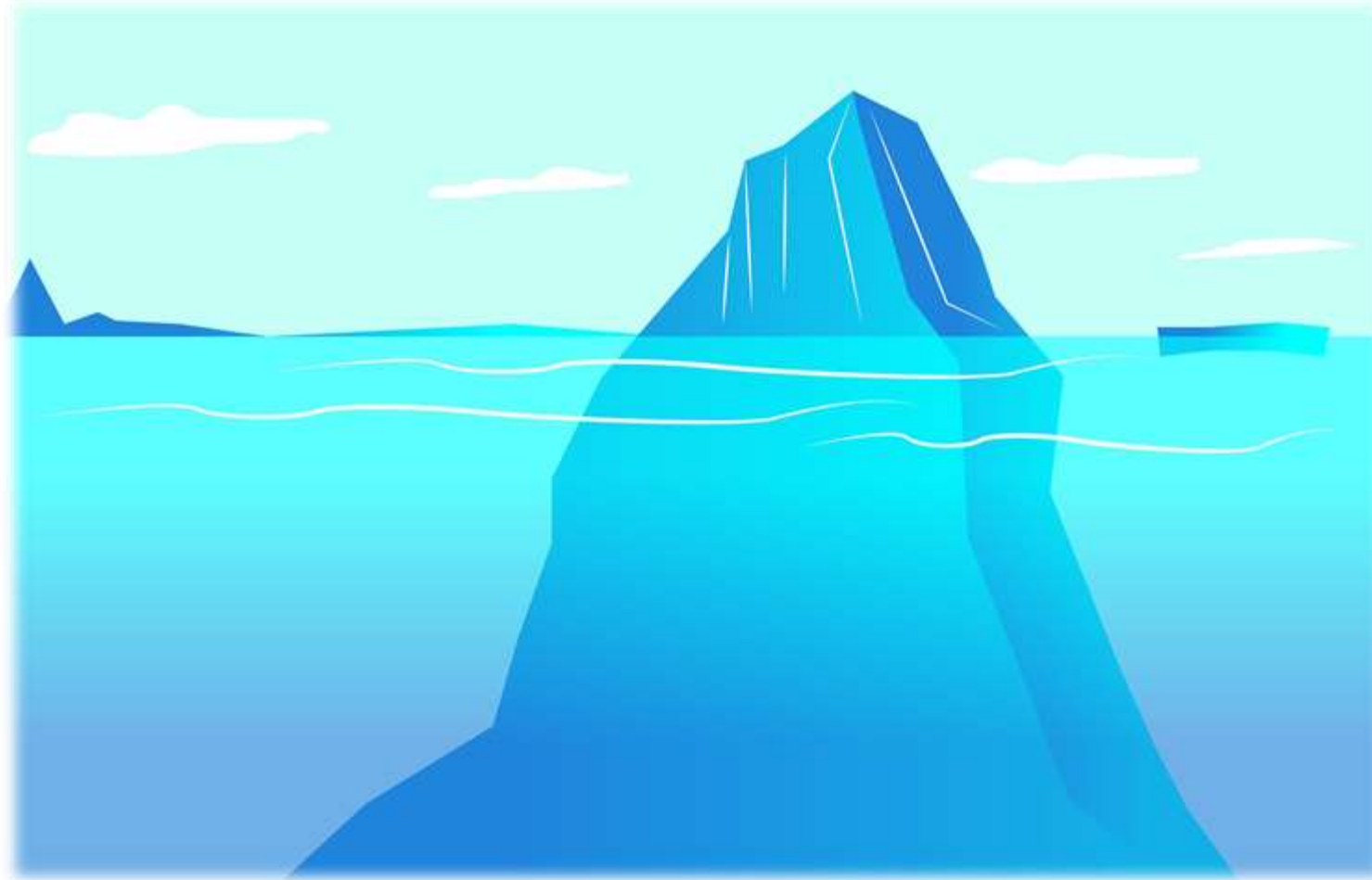


13/SEEING WHAT'S HIDDEN



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14/IMPLIED OBLIGATIONS & INVISIBLE TERMS



15/**CONTRACTING MYTHS & FAIRY TALES**





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16/

KNOW & INCLUDE  
YOUR DEAL POINTS ...

Proposal			
Proposal Submitted by		Contact	
		Contact	
		Mobile	
		Email	
Proposal Submitted to		Phone	Date
		Job Name	
		HDD Sewer Line Bores	
		Job Location	
		Job Phone	
Proposal Number		Proposal Number	
We hereby submit specifications and estimates for:			
QTY	DESCRIPTION	RATE	TOTAL
	HDD Sewer Line Bores		
4,000	LF - 12" HDD HDPE	\$ 75.00	\$ 300,000.00
2,000	LF - 10" HDD HDPE	\$ 75.00	\$ 150,000.00
Includes: All Equipment, Labor and Materials to fuse and bore 10" HDPE			
Excludes: Pipe, Fusing, Permits, Survey, Design, Pipe Hauling & Handling, Rock HDD, Support Equipment			
We propose hereby to furnish material and labor - complete in accordance with the above specifications, for the sum of:			
Four Hundred Fifty Thousand and 00/100		Dollars \$	450,000.00
Payment to be made as follows:			
Net 10 Days			
All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Certified payrolls or Davis-Bacon wage rates are not included in price. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workman's Compensation insurance.			
Note: This proposal may be withdrawn by us if not accepted within 30 days.		Authorized Signature:	
Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.			
Name		Signature	
Date of Acceptance:		Signature	





17/

... **IN WRITING**  
**IN THE CONTRACT**

## DESCRIPTION OF WORK:

Contractor has entered into, or expects to enter into, a contract with Contractor's Customer to perform work related to \_\_\_\_\_ (the "Project") and Contractor desires to retain Subcontractor to perform labor and/or furnish materials in connection with the Project, as more fully set forth in the Contract Documents (as defined in the attached General Conditions), as may be more fully identified in Exhibit A, and as described as follows:

Exhibit "A" is fully incorporated into this Subcontract Agreement only to the extent of the description of the work to be performed. In the event of a conflict between the terms and conditions of the Agreement and the Exhibit "A", the Agreement shall always control and govern.

*REAL CONTRACT ATTEMPTING TO  
NULLIFY EVERYTHING IN  
SUBCONTRACTOR'S PROPOSAL  
EXCEPT PRICE*

(the "Work").

The attached Exhibit A is only applicable to the Agreement to the extent that it sets forth Subcontractor's scope of Work and pricing for the Project. Any other terms and conditions contained within the attached Exhibit A are null and void unless specifically included within the body of this Agreement or the General Conditions. In the event of any conflict between the provisions of Exhibit A and the provisions of this Agreement or the General Conditions, the provisions of this Agreement or the General Conditions shall prevail.



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**18/SPOTTING RED FLAGS BEFORE YOU SIGN**



19/ "FORM" AND "STANDARD" DO NOT MEAN "GOOD"





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20/PREVENTION IS CHEAPER THAN THE CURE