



Construction

Many real estate projects demand significant expertise in construction law. Kaplan Kirsch & Rockwell represents clients in a wide variety of construction-related matters, including drafting and negotiating contracts for construction, demolition, and materials management, construction management, architectural and engineering consulting services, negotiation of construction-related access agreements, and compliance with federal contracting and procurement requirements.

Representative Experience

- Prepared the suite of construction and development agreements related to development at a Denver light rail station, including the owner's representative, architect, and design-build construction contract, and the associated request for proposal for design-build services. The project involved significant coordination with the local transit agency.
- Drafted and negotiated the guaranteed maximum price, "all risk" program management contract and the owners' representative agreement for the 1,100 room Denver Convention Center Hotel (Hyatt Regency at Colorado Convention Center); advised the client regarding approval of the architect's and general contractor's agreements as well as the furniture, fixtures, and equipment (FF&E) contractor's agreement held by the program manager; and counseled the client in negotiation of the associated bond indenture provisions, surety bonds, insurance program, and the technical services agreement for construction support and the hotel operating agreement with the hotel manager.
- On behalf of the master redeveloper of the former Stapleton Airport property, negotiated the construction manager and engineering design agreements and prepared the form request for bid and trade contract used by the development manager for the phased construction of more than \$700 million of infrastructure supporting the redevelopment, including form riders for construction involving federal funding.
- Represented the Denver Regional Transportation District as part of the legal team in the development, structuring, procurement, and negotiation of a \$2.3 billion public-private partnership for the design, construction, financing, operations, and maintenance of two commuter rail corridors and a commuter rail maintenance facility. We helped develop and structure a novel Design-Build-Finance-Operate-Maintain concession/lease model, financed through availability payments, a long-term lease, private equity contributions, private activity bonds and federal grants, and assisted in drafting the concession and lease agreement and attachments, including the underlying design-build, rolling stock supply, and O&M subcontracts.