

KILLER CLAUSES AND OTHER CRITICAL DECISIONS
UCA BREAKFAST SEMINAR
MARCH 8, 2011

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1. The “take it or leave it” dilemma
2. Obtain and organize all “Contract Documents”
3. Diary Critical Dates
4. Killer/Critical clauses
 - a. Scope of Services
 - i. Properly define
 - ii. Incorporate proposal
 - b. Contract Price
 - c. Payment Terms
 - d. Termination
 - i. For cause
 - ii. For convenience
 - e. Default
 - i. Events of Default
 - ii. Remedies
 - f. Restoration
 - g. Change Orders
 - i. Document, document, document
 - ii. Get required signatures by authorized representatives
 - h. Notice and Cure
 - i. Liquidated Damages
 - j. Insurance
 - i. Agent review
 - k. Warranties-Guaranties
 - i. Limit duration and scope
5. Preserve your lien rights
 - a. 90 day notice
 - b. 4 month claim-recording
 - c. 2 year statute

CHANGE ORDER

PROJECT NAME	DATE	PAGE OF PAGES
PROJECT NUMBER	ISSUE DATE	CHANGE ORDER NO.
OWNER		

NOT VALID UNTIL SIGNED BY BOTH THE GENERAL CONTRACTOR AND THE OWNER. SIGNATURE OF THE CONTRACTOR INDICATES ITS AGREEMENT HEREWITH, INCLUDING ANY ADJUSTEMENT IN THE CONTRACT SUM OR THE CONTRACT TIME.

The original Contract Sum was:		\$
Net Change by previously authorized Change Orders:		\$
The Contract Sum prior to this Change Order was:		\$
The Contract Sum will be decreased/increased by this Changer Order by the following sum:		\$
The new Contract Sum including this Change Order will be:		\$

Item 1 -		\$
Item 2 -		\$
Item 3 -		\$
Subtotal		\$

The Contract Time will be unchanged by this Change Order.
 The Contract Time will be changed and the new date is _____.

General Contractor	Contractor	Owner
BY: _____	_____	_____
SIGNATURE	SIGNATURE	SIGNATURE
_____	_____	_____
TYPED/PRINTED NAME	TYPED/PRINTED NAME	TYPED/PRINTED NAME
DATE: _____	_____	_____

END OF CHANGE ORDER

CRITICAL DOCUMENTS

Project Name _____

Project No. _____

Contract Date _____

ABC CORP. ("C")

_____ ("GC")

_____ ("O")

<p>GC 1, LLC</p> <p>_____</p> <p>_____</p> <p>Attn:</p> <p>Phone:</p> <p>Facsimile:</p> <p>E-mail:</p>	<p>Owner 1, LLC</p> <p>_____</p> <p>_____</p> <p>Attn:</p> <p>Phone:</p> <p>Facsimile:</p> <p>E-mail:</p>
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 - b. Certificate
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7. Warranty-Guaranty