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Jeff Baird is a highly effective litigator and negotiator who counsels business owners and executives, in-house counsel, and project managers regarding construction claims, course-of-performance strategy, contract requirements, and construction-related transactions. His clients include general contractors, owners, developers, and subcontractors.

The vast majority of Jeff's legal experience is exclusive to construction industry matters and he is highly knowledgeable about construction company operations, industry practices, and clients' cost concerns. He has professional relationships with many construction industry attorneys that represent school districts, cities, counties, other public agencies, private owners, and various industry participants. The result? Jeff is uniquely prepared to resolve most claims quickly and efficiently – often without costly litigation. When litigation is necessary, Jeff's command of the key legal and construction issues gives his clients the upper hand.

#### **DELAY, INEFFICIENCY, AND EXTRA WORK CLAIMS**

Construction project participants regularly suffer the monetary and operational pains caused by design mistakes, project inefficiencies, delays, interferences, and other unforeseen issues. Jeff knows the right questions to ask, the right information to obtain, and which legal strategies to deploy. This helps ease client frustrations, contain disputes, and accelerate the resolution process.

#### **FEDERAL ADMINISTRATIVE CLAIMS**

Early assessment of the most practical strategies for unresolved project issues is essential to avoid headaches and unnecessary expense. Whether he is evaluating a potential request for equitable adjustment or appealing a contracting officer's final decision, over twenty years of experience empowers Jeff to hit the ground running.

#### **PRACTICES**

- Construction Law
  - *Claims & Disputes*
  - *Local Agency, Municipal & State Contracts*
  - *Federal Procurement & Claims*
  - *Project Counsel*
  - *Prime Contracts & Subcontracts*
  - *Labor & Employment*
  - *Collections*
- Business & Commercial Transactions

#### **ADMISSIONS**

- California: State Courts
- U.S. District Courts of California: Central, Eastern, Northern, Southern
- U.S. Court of Federal Claims
- U.S. Court of Appeals, Ninth Circuit
- Practice before the Armed Services Board of Contract Appeals

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## CONTRACT NEGOTIATIONS OF PUBLIC AND PRIVATE PROJECTS

Negotiation of key construction obligations of a contract requires advance knowledge of how such terms will be interpreted and used in litigation. Jeff's unique construction experiences allow him to strategically negotiate contracts for hard-bid, design-build, and various other delivery method formats for public and private construction projects. Jeff can efficiently advise on contract negotiation disputes between owners and prime contractors and between prime contractors and subcontractors.

## NAVIGATING PUBLIC WORKS CLAIMS PROCESSES

Navigating contractual dispute resolution, Public Contract Code and Government Code requirements, and evaluating the timing of claim submissions and strategy for resolution opportunities is vital to limiting cost overruns and project losses. Jeff's strong problem solving and negotiating skills provide clients with the unique opportunity to resolve claims early or to properly set the stage for litigation when necessary. And his in-depth knowledge of the many public works claims processes allows clients to successfully preserve their claims rights on public jobs.

## LIENS, STOP PAYMENT NOTICES, AND BOND CLAIMS

Avoiding mistakes and proper timing are critical in pursuing all available remedies to recovery money owed on a construction project, whether the claim is disputed or undisputed. Jeff has worked on such matters on a daily basis for more than twenty years and that translates to immediate, experienced advice without a learning curve.

## EXPERIENCE

- Construction litigation
- Public works of improvement and government contracts, including projects with local public agencies, cities, counties, state agencies, and federal government
- Delay, inefficiency, and extra work claims
- Coordination with schedule, design, accounting, and subject matter experts on construction claims
- Contract defaults
- Surety obligations
- Mechanic's liens
- Stop payment notices
- Payment bond claims
- Performance bond claims
- Requests for equitable adjustments (REAs)
- Contract Disputes Act claims
- Miller Act claims
- Counsel on specialized delivery methods, including lease-leaseback and construction management at-risk projects.
- Transactional matters specializing in the drafting and review of construction project agreements and public procurement compliance
- Local, state, and federal bid protests
- General business litigation

## EDUCATION

- University of San Diego School of Law, J.D.
- University of California at Santa Barbara, B.A., History

## MEMBERSHIPS

- State Bar of California
- Associated General Contractors of America, San Diego Chapter

## RECOGNITION

- San Diego Super Lawyer for Construction Litigation by *San Diego Super Lawyers Magazine* in 2013–2018, and 2022
- 2016 Best of the Bar by *San Diego Business Journal*
- Top 10 San Diego Construction and Real Estate Law Attorney by *San Diego Daily Transcript* 2008, 2011, 2012, and 2013

## LEADERSHIP

Mr. Baird is an accomplished public speaker and regularly addresses the construction community on a range of training and educational topics, including:

### Performance & Closeout: Project Management Mistakes And How To Avoid Them

### Contracts: Project Management Mistakes And How To Avoid Them

### How To Prove And Recover Your Losses – Change Orders And Claims – Costing And Management

### Contract/Subcontract Review Strategies

### Contract Negotiation Best Practices

### Latest Trends For Recovery Of Lost Productivity And Delay Claims

### Indemnity And Defense Obligations In Construction Contracts: The Impact Of SB474

### The Little Red School House: Alternatives To Hard Bid Construction In California