

## Construction

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The lawyers of the Goulston & Storrs Construction Group bring to clients a great breadth and depth of experience pertinent to a wide array of construction projects and related legal issues.

We provide nationwide, comprehensive services related to construction matters. Because we have handled construction-related matters in many jurisdictions, we have a well-developed network of relevant consultants, professionals, government contacts and local counsel who can add value to our work for the benefit of our clients.

As part of our comprehensive service, we offer to clients the ability to solve construction-related issues involving accessibility laws, bankruptcy, environmental problems, mechanic's liens, surety claims and project takeovers, contractor claims, building technology failures, financing, insurance, land use, taxes, and other matters affecting a wide variety of projects.

The construction projects with which we have experience are wide-ranging, spanning across many types of facilities used in many commercial industries, as well as public facilities, educational and medical facilities, and public-private projects.

Our construction group represents a number of international investors in US real estate including private equity funds, institutional investors, pension funds, and others from: Canada, China, France, Germany, Hong Kong, Israel, Japan, Netherlands, South Korea, Spain, Qatar, United Arab Emirates, and the United Kingdom.

We also have on our team a number of lawyers who have served in leadership positions in the organized bar, and who have been recognized by the peer-rated American College of Real Estate Lawyers. In fact, one of our lawyers created the Construction subgroup of the Boston Bar Association in 1999 to further the professional study and development of construction-related law.

Because of our broad experience representing many types of clients, we understand all of the parts to a construction project or construction-related legal issue. We understand the perspective of the owner, developer, landlord, tenant, designer, engineer, contractor, and pertinent regulators.

## Our Clients

The clients for whom we have performed construction-related services include architectural firms, commercial tenants, construction companies, contractors, developers, educational institutions, health care providers, hoteliers, investors, landlords, tenants, lenders, manufacturers, project owners, public and quasi-public agencies, and public-private partnerships.

As a result of the work we have done for these clients, our team has become familiar with construction issues pertinent to projects related to many industries, including the research and

development, educational, health care, biotech, hospitality, office, housing, manufacturing, recreational and retail industries.

## Our Experience

Our legal team has drafted, negotiated and enforced many types of construction contracts, including contracts based on AIA forms, custom contracts that we have fitted to particular situations and parties, engineering and design agreements, construction financing arrangements, insurance provisions and surety bonds, and takeover and completion agreements. In the leasehold context, we have drafted, negotiated and enforced construction contracts related to build-to-suit arrangements, ground leases, and tenant build-outs.

We have also provided a comprehensive array of services related to construction matters, including transactional legal services, litigation and alternative dispute resolution services involving:

- Bankruptcy
- Bonds and bond claims
- Building technology failures and catastrophic events
- Mechanic's liens
- Employment and contractor issues
- Environmental issues
- Financing
- Insurance
- Land use and development
- Permitting and licensing
- Structuring of ownership entities
- Tax
- Zoning

Our legal team is also familiar with the legal nuances and problems that can arise from particular types of construction projects, including but not limited to the following:

- Convention centers
- Educational facilities
- Entertainment venues
- Hospitals
- Hotels and hospitality venues

- Manufacturing facilities
- Multi-family housing, apartments and condominiums
- Mixed-use developments
- Office buildings
- Recreational facilities
- Research and lab facilities
- Retail centers and malls
- Transportation facilities

Because of the depth and breadth of our real estate experience, we can solve all kinds of construction-related problems in jurisdictions across the country, including those arising from nuanced and complex legal issues presented by:

- Contamination or pollution
- Design flaws
- Façade problems and other building technology defects
- Easements and access agreements
- Fires and explosions
- Mechanic's liens and clouds on title
- Prompt Pay Acts
- Regulatory actions and investigations
- Statutes of Limitation
- Statutes of Repose
- Wetlands regulations

## Our Service Difference

Our law firm offers nationwide, comprehensive services related to construction matters. We have handled construction-related matters in many jurisdictions, and we have a well-developed network of relevant consultants, professionals, government contacts and local counsel who can add value to our work for the benefit of our clients.

Because of our depth of experience, both in construction related matters and in all real estate transactions, we can assist clients in dealing with all aspects of construction, especially in urban areas with unique regulatory frameworks, such as Boston, New York City, and Washington, D.C.

Lawyers at our firm also place a cultural emphasis on individualized attention to every client matter, focusing on responsiveness, lean staffing, efficiency and results. Because of our low leverage business model, we often handle matters successfully with fewer lawyers than our opponents while remaining more accessible to our clients, making sure that a senior level lawyer is constantly interfacing with each client on every matter.

Our legal professionals are keenly aware as well of the business context in which legal decisions must be made, and we make special efforts to understand the unique business and industry background of each client as it pertains to any assignment.

Because of our broad experience representing many types of clients, we understand all of the parts to a construction project or construction-related legal issue. We understand the perspective of the owner, developer, landlord, tenant, designer, engineer, contractor, and pertinent regulators.

We also know that clients are looking for creative win-win solutions whenever possible because they hope to continue doing business with all of the parties to a construction matter. Clients can count on lawyers at our firm conducting themselves as civil, professional, ethical and effective advocates.

Finally, we understand and appreciate that a client is entrusting the value of their business to us in important legal matters, and we take that seriously. That is a big reason why the very structure of our firm is client-focused, providing incentives to work collaboratively and share information in order to support our clients to the fullest while discouraging any attitudes or behaviors that interfere with the rendering of superior client service.

## Representative Matters

### **Nasser Freres \$245 Million Construction Loan**

Representation of Nasser Freres in securing a \$245 million construction loan for The Greyson, a 622 unit, 28-story mixed use tower at 25 Cottage Street, Jersey City, New Jersey.

### **BXP: Redeveloping One of Boston's Iconic Destinations**

Boston's Prudential Center is a marquee, mixed-use, urban center consisting of 3.6+ million square feet across approximately 20 acres located between Boylston Street and Huntington Avenue. It boasts four office towers, approximately 4,050 parking spaces, and a shopping and dining destination that is an important part of Boston's skyline, as well as a source of hometown pride.

When the center was purchased by BXP in 1998, it sparked a vision for the city inspired by the intersection of innovation and history. It would transform premier real estate into a destination. BXP's leadership set out to create an extraordinary team of internal and external professionals who could understand and execute the permitting and development plan needed to maximize investment and ultimately realize a vision for the city.

### **Iovino's JV Wins Bid Protest to Begin NYC Climate Change Project**

Climate change is threatening all coastal cities, including prominent New York City. A collaboration between the city and the federal government introduced a one-of-a kind solution to protect Manhattan's East Side from coastal flooding: The East Side Coastal Resiliency (ESCR) Project. After an RFP process, two competitive bidders rose to the top. But when the city awarded the work to Iovino's joint venture, an Article 78 proceeding – more commonly known as a bid protest – was filed. Read how Goulston & Storrs used 'stacking' as a foundational legal strategy to clear the way for Iovino to start construction.

### **Successfully Defended Iovino in One of the Largest Bid Protest Actions in New York City**

Represented an Iovino Enterprises joint venture in the successful defense of multiple challenges to the JV's winning bid of over \$1.2 billion for the East Side Coastal Resiliency Project that will protect lower Manhattan from flood risk due to coastal storms. *See details [here](#).* Our team defeated multiple applications for temporary restraining orders and preliminary injunctions sought in separate proceedings by a losing bidder and by community groups at both the trial court and appellate court levels.

### **Tricon Residential in Nationwide BTR and SFR Housing Projects**

Tricon Residential in connection with all aspects of construction and development, including land and homebuilding, for numerous built-to-rent (BTR) and single-family-rental (SFR) housing projects across the U.S., including California, Nevada, and Texas.

### **Vicinity Energy in EPC Contract**

Vicinity Energy in the drafting and negotiating of an Engineering, Procurement, and Construction (EPC) contract for a reverse osmosis water treatment plant in Philadelphia, PA.

### **Global Nonprofit in Construction Law Matters**

A large global nonprofit institution in connection with construction law matters related to the company's headquarters located in Washington D.C.

### **Pembroke Real Estate Construction and Development in Boston's Seaport District**

Representation of Pembroke Real Estate LLC, an international real estate advisor that acquires, develops and manages properties and places—specializing in mixed-use and office environments in the world's leading cities—in connection with construction, development, leasing and other aspects of the Commonwealth Pier Revitalization Project, a transformative project that will modernize and reposition the existing building and Commonwealth Pier for its next generation of use as a vibrant place for work, retail, events and active public waterfront experiences within Boston's Seaport District.

### **Northland Investment Corporation Construction Law Matters**

Representation of Northland Investment Corporation, an industry-leading real estate private equity firm, in connection with construction law matters related to the company's portfolio of 13 residential and commercial properties across the United States. Our team works closely with Northland through each step of the construction and procurement process, including: selecting,

negotiating and drafting contracts; advising on standard industry contract forms and how to leverage each for the greatest benefit; permitting and licensing issues; environmental and other regulatory compliance matters; requirements for insurance and surety bonds; change orders, schedule disputes and payment disputes; labor and employment issues; investigations, disputes and litigation; inspections and warranty issues; claims for construction defects; and mechanic's liens.

**Winthrop Center \$775M Construction Loan**

Represented Cale Street Partners, a London based real estate investment firm, in the \$775M construction loan for Winthrop Center in Boston, MA. Our team conducted a risk assessment on the construction and design documents and provided permitting, condominium and transactional advice.

**Joint Venture \$32M Construction Loan**

Representation of a joint venture in connection with the \$32 million dollar construction loan in Washington, D.C.

**Cytec Corporation Leasing and Construction The Campus, Marlborough, MA and Costa Rica**

Handled construction and leasing matters for Cytec Corporation in connection with its 175,000 square foot corporate headquarters in Marlborough, MA, and its manufacturing facilities in Costa Rica.

**DivcoWest Cambridge Crossing Boston, Cambridge, and Somerville, Massachusetts**

Representation of DivcoWest with respect to Cambridge Crossing, its 42-acre, 5-million-square-foot, mixed-use redevelopment of a former railyard on a site that overlays Boston, Cambridge, and Somerville, MA. The planned development includes a centralized retail square, multifamily residential components, 20 acres of green space, a 370,000-square-foot office building, a 390,000-square-foot office building and significantly improved road infrastructure. The parcel also encompasses a light rail commuter station that will be redeveloped by the MBTA in collaboration with the Cambridge Crossing project.

**Massachusetts Convention Center Authority Issuance of RFP for Development of Two Hotels**

Representation of the Massachusetts Convention Center Authority in the issuance of an RFP for two upper mid-scale hotels to be developed on public land as part of the Boston Convention & Exhibition Center in Boston's Seaport District; negotiation of a Development Agreement, Ground Lease, and Room Block Agreements with the designated developer, who ultimately built an Aloft and an Element on the site.

**BXP Joint Venture with Delaware North Hub on Causeway TD Garden Expansion Project**

Representation of BXP (in a joint venture with Delaware North) regarding its "Hub on Causeway" TD Garden expansion project, a redevelopment which will encompass more than 1.5 million square feet of mixed-use retail, office, hotel, and residential. The firm's representation includes joint

venture formation with Delaware North, acquisition of the project by the JV, development of the first phase of the project and expansion to the Boston Garden development, phase one leasing, as well as options for future tower developments at the site. The site includes North Station, one of Boston's two inbound terminals for buses, Amtrak, and MBTA commuter rail trains.

**BXP Construction of Atlantic Wharf, Boston, MA**

Represented BXP, Inc. (REIT) in connection with the Atlantic Wharf project in Boston, MA.

**Mass General Brigham and Brigham and Women's Construction of Brigham Building for the Future**

Representation of Mass General Brigham and The Brigham and Women's Hospital, Inc., in connection with the Brigham Building for the Future in Boston, MA.

**New England Development Construction Matters Nationwide**

Representation of New England Development in connection with design, consulting, and construction contracts for many projects, including the redevelopment of Palm Beach Mall, a retail shopping center in West Palm Beach, FL, and the redevelopment of Chestnut Hill Square, a mixed-use, retail, residential and office project in Newton (Chestnut Hill), MA.

**Northeastern University Construction Contracts for Interdisciplinary Science and Engineering Building**

Representation of Northeastern University in connection with design and construction contracts for construction of the Interdisciplinary Science and Engineering Building in Boston, MA.

**Joslin Diabetes Center Construction Contract for Translational Center for the Cure of Diabetes**

Representation of Joslin Diabetes Center, Inc. in connection with construction contract for construction of the Translational Center for the Cure of Diabetes in Boston, MA.

**Greystar Real Estate Partners Large-Scale Development Projects in East Coast and Mid-Atlantic Regions**

Representation of Greystar Real Estate Partners in connection with numerous large-scale development projects on the East Coast and mid-Atlantic regions, including acquisitions, financing, construction, and entitlement work. Representative projects include Elan Union Market in Watertown, MA (a 282-unit multifamily residential and mixed-use development with more than 11,000 square feet of residential amenity space and structured parking for 420 cars), and development of the cutting edge 35 story luxury Adaire tower in Tysons Corner, VA.

**Berklee College of Music Real Estate Matters**

Representation of Berklee College of Music in all of their real estate activities including in the development and construction of a multi-use tower (including dormitory, cafeteria, classrooms, recording studios and practices rooms) on Massachusetts Avenue, Boston.

**Developers of Seaport Square Construction Matters**

Representation of the developers of Seaport Square, a 6-million square foot mixed-use development in the Seaport District of Boston.