REMARKS TO VIRGINIA ROAD AND TRANSPORTATION BUILDERS
November 7, 1981

Ladies and gentlemen when Mike Fawley asked me to do this program, he suggested that your membership would be interested in learning about a construction claim from A to Z, from the inception in the field to the trial of the claim in the courtroom.

My first thought upon hearing his request was that he had to be crazy, how could he expect me to get from A to Z in the time that has been allotted to me. I told him I would have trouble getting from A to H in an hour, much less getting from A to Z.

Since there is a danger that we might be unable to get to the court decision on a construction claim by making it the last topic of the program, I have decided to cover it first and I begin my remarks by reading to you from two court opinions that demonstrate the three themes of this program. The opinions I will read from demonstrate:

1) that there are enlightened judges in the world who at least in part understand construction;

2) That many highway department personnel and their attorneys take a ritualistic, simplistic and antiguated view of the contractor's right, and

3) If there is a way for a contractor to mess up his rights to recover for a claim, he will generally find the aray to do it.
American Road & Transportation Builders Association
Contractors Division
Midyear Meeting
August 25, 1982

Lecture Materials on
CONSTRUCTION CLAIMS: GETTING OVER THE AASHTO HURDLES
and
ANTI-TRUST COMPLIANCE

Cordell M. Parvin
GARDNER, MOSS, BROWN & ROCOVICH
P.O. Box 13606
Roanoke, Virginia 24035
OUTLINE OF REMARKS TO ASCE
ROANOKE BRANCH
Wednesday, September 8, 1982

I. Introduction

A. The Topic - Legal Implication of the Hyatt Disaster

B. Why I chose the topic

1. Illustrates the unusual complexity of construction law

2. Very well could be a landmark decision; History in the making

3. It provides me an opportunity to discuss with you some legal points you may not be aware of and which may have a direct influence on your pocketbook.

C. Due to time limitations, I will limit my remarks to an examination of the duties owed by architects, engineers, contractors and suppliers to the dancers at the Hyatt and what architects, engineers, contractors and suppliers have done by statute and by contract to avoid and transfer the liability.

II. The facts

1. Death toll 113, injured 186

2. Lobby crossed by three 120 foot, 30 ton walkways on 2d, 3rd and 4th floors. Walkway on 4th floor directly over walkway and 2d floor.

3. Each walkway held up by 6 steel rods - 1 inches in diameter and suspended from the ceiling. Rods supported four 30 feet long, 18 inch deep steel I beams. The beams in turn supported the concrete deck. Rods tied to the steel beams by nuts and rods holding up 2nd level were
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SPRINGFIELD, VIRGINIA 22150
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OF COUNSEL

MATTHEW A. CLARY, JR.*
MATTHEW A. CLARY, III*
ROBERT BRUCE SHEREK*

*NOT ADMITTED IN DISTRICT OF COLUMBIA

Associated Pennsylvania Constructors

November 9, 1982

Lecture Materials on

GRAND JURY INVESTIGATIONS

OF BID RIGGING

Cordell M. Parvin
A TYPICAL BID RIGGING CASE

THE PLAYERS

1. Doe Construction Company
   President: John Doe

2. Roe Pavers, Incorporated
   President: Richard Roe (He is relatively inactive in the business)
   Estimator: Joe Estimator
   Former Secretary: Nervous Nellie

3. Wheeler Dealer Contractors, Inc.
   President: Wheeler Dealer

THE SCENARIO

Scene 1: A hotel in a state capital the night before a bid letting for several projects including 3 interstate projects. As usual, contractors, subcontractors and suppliers are calling each other and visiting each other's rooms to exchange quotes. During the evening Doe Construction Company's president, John Doe, calls Wheeler Dealer to get asphalt quotes on all 3 projects. Doe has no asphalt plants. Dealer gives a quote on only one project. Doe writes on a scratch sheet of paper Dealer's room number and the quote. Doe also gets asphalt quotes from several other contractors including Roe Pavers, Inc. It turns out that Wheeler Dealer's quote is low on the project Doe is most interested in getting. The next day Doe, Roe and Wheeler Dealer are determined to be low bidders on the three interstate projects.

Scene 2: Four years later. The grand jury room in the federal district court located in the same state capital. Seventy-three (73) contractors have received subpoenas to turn over documents relating to highway construction projects in the state for the last 5 years. Among those are Doe, Roe and Wheeler Dealer who turn over numerous documents including ones relating to the 3 interstate projects bid on 4 years earlier.
GARDNER, MOSS, BROWN & ROCOVICH
A Professional Corporation

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First National Exchange Bank Building
309 S. East Street
P.O. Box 1600
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Virginia Chapter
NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION
May 17, 1983

Contract Documents - Construction Law Workshop

BIDDING - HYPOTHETICAL CASES

Cordell M. Parvin
Gardner, Moss, Brown & Rocovich, P.C.
P.O. Box 13696
Roanoke, Virginia 24035
ARTBA CONTRACTORS DIVISION BOARD MEETING

Saddlebrook Golf & Tennis Resort
December 8–9, 1983  Wesley Chapel Florida

DBE PROGRAM

By Cordell M. Parvin
ROAD BUILDING CONTRACT ADMINISTRATION WORKSHOP

University of Wisconsin - Madison

CLAIMS

Cordell M. Parvin, Esq.
Parvin & Wilson, P.C.
Suite 700
Dominion Bank Building
213 S. Jefferson St.
Roanoke, VA 24011
(703) 343-1400
Delays, Disruptions & Interference Claims

by

Cordell M. Parvin

American Concrete Pavement Association
24th Annual Meeting

Hyatt Regency
San Antonio, Texas
December 1, 1987

Parvin Wilson Barnett & Hopper
Attorneys At Law
A PROFESSIONAL CORPORATION
Linear Scheduling
For Highway Contractors and State DOTs

Linear Scheduling:
The Highway Construction Method of the 90's
Changes and Differing Site Conditions

Effective Construction
Contract Administration:
Anticipating, Avoiding & Resolving Claims

Sponsored by
Wells & Bridges, Inc.

Anchorage, Alaska
November 30 - December 1, 1992

Cordell M. Parvin, Esq.
Parvin, Wilson, Barnett & Guynn, P.C.
629 E. Main Street, Suite 400
P.O. Box 1201
Richmond, Virginia 23209
(804) 643-2500
Claims Avoidance Workshop

Sponsored by
American Road and Transportation Builders Association
(ARTBA)

Baltimore, Maryland
April 26, 1993

Cordell M. Parvin, Esq.
Parvin, Wilson, Barnett & Guynn, P.C.
Main Street Centre, Suite 1900
600 E. Main Street
Richmond, Virginia 23219
(804) 643-2500
Alternative Dispute Resolution (ADR)

American Road and Transportation Builders Association Annual Convention

March 29, 1995
San Antonio, TX

Cordell M. Parvin, Esq.
Parvin, Wilson, Barnett & Guynn, P.C.
600 E. Main St., Suite 1900
Richmond, VA 23219
(804) 643-2500
Cordell Parvin, editor of our monthly column, LAW: The Contractor’s Side (see 3/96), is to speak at the opening ceremonies of the 1996 American Road & Transportation Builders Association Convention in Las Vegas March 19. Cordell will provide convention attendees with a status report on disadvantaged business enterprise (DBE) programs following the U.S. Supreme Court’s Adarand decision (see Adarand Decision: What is the Impact?, July 1995,). He also was to discuss the controversial topic at the National Asphalt Pavement Association’s (NAPA) 41st Annual Convention in San Antonio in February, in addition to Alternate Dispute Resolution (ADR).
PARTNERING PLUS

The Program

CORDELL M. PARVIN, ESQ.

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DALLAS, TEXAS 75202
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Contract Claims
May 12, 2000

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AGC of America
2004 Highway Contractors Issues Meeting

What You Need to Do in the Post-Enron Era

Cordell M. Parvin
Jenkins & Gilchrist, P.C.
Texas AGC
2004 Management Conference

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A Contractor’s Guide to Managing Risk

By Cordell Panvin
www.panvinlawfirm.com
http://www.yodaslaire.com/ftba/const-issues.htm
In the post-Enron era, contractors have been at far greater risk. Detecting fraud is the number one priority of the USDOT Inspector General. From 2000-2005 there were 301 indictments, 234 convictions, $153 Million in fines and restitution and 747 years in jail and probation. Most contractors are honest, but far too many make mistakes because their employees do not know when they are stepping over the line. Cordell Parvin will provide some background and explain to contractors what they need to know about antitrust, DBE fraud and false claims and other risky areas.

Cordell Parvin has practiced law for 35 years. During his entire career, Cordell has specialized in legal issues affecting the highway construction industry. He has conducted a wide variety of programs for contractor associations throughout the United States, including the FTBA. Since 1984, Cordell has written a monthly column in Roads & Bridges magazine titled: "Law: The Contractor's Side."
Wednesday, January 25

Registration
6:00am - 1:00pm

Diamond Achievement Commendation Recognition and Continental Breakfast
7:00am - 8:30am

See who made the grade! Recognize the companies who have earned NAPA’s Diamond Achievement Commendation for Excellence in the Marketplace Program or Grand Awards. For what are they known and how can they help you in your business?

General Session II: LOOK OUT! World Regulatory Issues and Knocking on Your Door
9:00am - 10:30am

Dr. Mike Cordova will provide an up-to-date overview of the Inspector world, enforcement, and the World-Wide Organization of Paving Contractors as our industry in the American future. Cordova, a recognized leader in the world of paving and regulatory compliance, will discuss the latest issues and what we can expect in the future.

Ladies’ Luncheon
12:00pm - 1:00pm

Come out to enjoy some tremendous food and meet some of the most influential women in our industry.

Concurrent Ed.
1:00pm - 1:30pm

Ethics and Integrity in the Post Euro 2004 Era

Construction companies that cross the line into illegal territories of a trust, DEE find a undue ethical hurdle create big problems for, otherwise, good companies. Returning NAPA convention speakers and construction attorney, Costel Pavas, will explain the hazards and pitfalls and show you how to stay clear of trouble. You will learn:

- What the Inspector General is investigating
- How to protect your company
- The do’s and don’ts to avoid trust issues
- The do’s and don’ts to avoid DEE issues
- How to create an ethics culture

How to Show the Best Seat Without Getting Seated

We are excited to bring back the plenary session! Cordova will present the latest findings in the most intimate setting of the workshop. Attendees will reflect on their business and takeaways, and then document them in advance, including email, a letter to a friend, or website. The top insights of the week will be posted with all types of questions.

Online Training for the Industry

NAPA, Inc., has spent the last five years working with the University of Washington to create comprehensive online training. The "NAPA Guide to Asphalt" is available online. The "NAPA Virtual Screener" is a two-day virtual experience that will help enhance your skills and knowledge, and prepare you for the new regulations that are expected to be in place by 2017. 

- What is the industry facing today?
- What is being done to prepare your company?
- How can you best implement these new regulations in your company?
2007 Highway Contractors Issues Meeting

AGC has scheduled the 2007 Highway Contractors Issues Meeting at the Westin Kierland Resort and Spa, located in Scottsdale, Arizona. This meeting provides an opportunity for contractors and related businesses involved in every aspect of highway construction to hear about and discuss issues facing your market. Hear and share strategies and information about how AGC contractors and chapters from around the country are addressing issues impacting the highway construction market. Past participants rave about the information received.

Issues to be Addressed:

Improving Contract Plans and Administration while Balancing Risk:
A panel of experts including DOT officials, municipal government, consultants and contractors will engage in an open discussion about ways to improve the contracting process.

Public-Private Partnerships:
Public-Private Partnerships have been prominent in the news this year, touted as the answer to our transportation funding problems. Are they?

- Experts will describe what portion of transportation construction needs could likely be accomplished through P3s.
- AGC's Indiana Contractors Assn. will report on its prominent role in ensuring that the local contractors benefitted from that state's leasing of I-70 road to a private venture.
- Can contractors of all sizes participate in P3s? One contractor's experience.

DBE Tool Kit/Disparity studies:
AGC has been working with FHWA to develop a tool kit to make it clear to contractors and DOTs what practices are acceptable in utilizing DBEs. Transportation construction attorney Cordell Parvin will discuss the dos and don'ts.

A federal court ruling in the 9th Circuit has required the 9 states there, and likely all 50 states, to undertake disparity studies to determine if their DBE program is being administered legally. The National expert on such studies will describe working with your DOT to obtain a realistic result.

Buses to the Harding Park Golf Tournament
12 noon

Young Leaders' Golf Tournament at Harding Park
Underwritten by Barrett Paving Materials, Inc.
1:30 – 5:00 pm – Harding Park

The fun continues as the Young Leaders test their skills at the tournament. Put a foursome together and bid on the fix it for prizes and a chance to be paired with the best hot shot. Fees for 2007 were limited to 100 players and on a “first come, first served” basis. Cost of $200 includes bus transportation, greens fees, a shared cart, 18 holes of golf and box lunch with drinks. Don’t miss a chance to win the “Fred C. Crew” prize of $10,000. Sign up at the registration booth for the annual golf tournament. For more information, call Nancy Linder or Cordell Parvin at 909-440-6161.

Quality in Construction Committee Meeting:
4261

Corporate Integrity:
What Every Contractor Should Know
Speaker: Cordell Parvin, LLC

The integrity of contractors has always been an important issue for government officials and today’s business climate has our industry under even greater scrutiny from the Department of Justice and the Department of Transportation. This session will:

- Reveal practices that could put your company on the wrong side of the law
- Provide tools to build a formal corporate ethics compliance program
- Protect your business from the pitfalls of anti-trust issues
State Construction Office
Brian Blanchard: Director, Office of Construction

Some of the links below are in PDF format and can only be viewed with Adobe Acrobat Reader.

2007 Construction Conference
Session Descriptions

Session Title: Electronic Bidding - This session will include information on how to use internet bidding with the Florida Department of Transportation. The discussion will include registration for Bid Express, use of the internet site, bid submittal, electronic bid bonds, and other issues/concerns regarding use of internet bidding.

Session Title: Corporate Ethics - In the post-Enron era, contractors have been at far greater risk. Detecting fraud is they are stepping over the line. Cordell Parvin will provide some background and explain to contractors what they need to know about antitrust, DBE fraud and false claims and other risky areas.

Cordell Parvin has practiced law for 35 years. During his entire career, Cordell has specialized in legal issues affecting the highway construction industry. He has conducted a wide variety of programs for contractor associations throughout the United States, including the FTBA. Since 1984, Cordell has written a monthly column in Roads & Bridges magazine titled: "Law: The Contractor's Side."

http://www.dot.state.fl.us/construction/online%20registration/constructconf/ConstConf2007/Sessions.htm