

Construction Contracting & Risk Management

The firm's construction contracting and risk management team brings a wealth of experience and specialized knowledge to the table on behalf of construction industry clients. The practice is built on the principle that effective construction projects require a robust legal foundation. We partner with clients to achieve their business objectives by proactively identifying, analyzing, and mitigating potential legal and financial risks, ensuring that projects proceed smoothly and efficiently.

Our attorneys are adept at preparing and negotiating a comprehensive range of construction-related contracts, from owner-contractor agreements to subcontracts and design professional contracts. We are well-versed in various project delivery systems, including fixed-price design-bid-build, construction manager at risk, construction manager as advisor, design-build, cost-plus, and cost-plus with a guaranteed maximum price (GMP). We also have experience with engineering, procurement and construction (EPC) contracts, integrated project delivery, public-private partnerships, and design assist.

Our expertise extends across a diverse array of projects, including multi-unit residential developments, condominiums, high-rise apartment buildings, hotels, commercial and industrial buildings, hospitals, school buildings, daycare centers, fitness centers, and warehouse facilities. We represent a broad spectrum of clients including property and business owners, construction managers, general contractors, subcontractors, and design professionals. This diverse client base allows us to draft and review contracts that address the unique concerns and goals of each party involved.

We are proficient in standard industry contracting forms, including those from the American Institute of Architects (AIA), ConsensusDocs, and the Design Build Institute of America (DBIA). Additionally, we excel at crafting custom contracts tailored to our clients' specific needs, ensuring that their interests are protected and risks are managed effectively. Our attorneys pay meticulous attention to key risk-shifting provisions, such as payment terms, liquidated damages, no damages for delay, pay-if-paid/pay-when-paid clauses, waiver of consequential damages, material price escalation, differing site conditions, force majeure, indemnification, insurance and bonding, flow-down provisions, termination and suspension, and dispute resolution. These clauses each have profound implications and clients must have a clear understanding of the precise risks associated with them.

Recognizing that construction contracts are often part of a complex "business puzzle," our team collaborates with attorneys from other practice areas within the firm, including corporate, environmental, and real estate law. This multidisciplinary approach enables us to provide comprehensive legal solutions that address the full spectrum of our clients' needs at the contracting stage of a construction project.

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Experience

Representative Matters

- Represented the New Jersey Institute of Technology (NJIT) as construction contracting counsel on the University's Oak Hall residential hall facility. The Greenbaum team guided the University through procurement, contract development, and negotiations with the project's design-build partner, helping ensure the project moved forward efficiently and on sound contractual footing. This project was recognized by the New Jersey Alliance for Action as one of New Jersey's Leading Capital Construction Projects.
- Representing the largest healthcare system in New Jersey in drafting and negotiating design and construction agreements for capital projects across its hospital network, including interior renovations, specialty medical upgrades, equipment relocations, and large-scale parking garage construction.

Insights & More

Announcements

Greenbaum Partner Steven Nudelman Named Outstanding Judge in 12th Annual International Mock Trial Tournament

10.08.25

Steven Nudelman Selected for Law360 2025 Real Estate Editorial Board

3.13.25

Steven Nudelman Selected for Law360 2024 Real Estate Authority Editorial Board

3.11.24

Published Articles

The Limits of a Contractual Waiver of Consequential Damages

10.01.25

Mutual Waiver of Subrogation in Prime Contract May Not Protect the Subcontractor

3.03.24

Seminars & Events

