

## August 2006 Team of the Month

### Contract Negotiation Team for the Construction Management At Risk (EAA Reservoir) Project

Carrie Hill

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For many months this Team successfully negotiated the largest contract ever awarded by the District. This effort required extensive negotiations and the resolution of many complex and time consuming issues. It also required considerable coordination with Consultants and other entities. In addition, tight time constraints were placed on the Team to complete the negotiations which necessitated the Team to work early mornings, late nights and weekends in order to move the negotiation process along and to ensure that all of the issues were resolved timely on a myriad of topics. The Team collectively utilized their technical, administrative, financial, contractual and legal expertise in the review, coordination, negotiation and drafting of all of the terms and conditions for this project.

Furthermore, their familiarity with the District's contract terms and conditions and the District's customary construction, procurement, fiscal and legal practices enabled the Team to work effectively with the District's Consultants, formulate negotiation strategies and contractual terms, and successfully negotiate a contract that was in the best interest of the District.

In a Construction Management at Risk Contract, issues regarding assumption of risk, related liabilities and the fiscal impacts are inherently critical issues involving significant ramifications. Consequently, the negotiations required enhanced legal and financial analyses of the risks and liabilities in constructing the EAA Reservoir. The Team spent an extraordinary amount of time in negotiating these issues in order to assure the interests of the District were being protected.