

## **LAURENCE P. LUBKA**

Laurence “Larry” Lubka is a partner at Lubka & White LLP. His practice focuses on commercial and public contracts, contract drafting and contract disputes.

Mr. Lubka represents California clients throughout the world, ranging from local payment disputes to drafting contracts for projects overseas. He represents public entities, general contractors, engineering firms, major subcontractors and suppliers.

Mr. Lubka’s thirty years of representing clients on projects ranging from nuclear power plants, to residential defect disputes, to reservoirs and to major large-scale art works allow him to provide a complete range of support to his clients. Recently, he has worked on hospital projects, condominium projects, entertainment centers and school projects. He has represented his clients in pre-construction planning, preparing bid packages, drafting contracts, representing parties on bid protests, consulting on disputes during the course of performance, contract audits and representing disputes. He understands both the legal and business concerns of his clients in all of these activities.

Mr. Lubka has experience in a wide variety of contract types, such as firm fixed price contracts, lump sum contracts, GMP contracts, Construction Manager at Risk (CMAR), design build, cost type contracts (including Federal [FAR] contracts), incentive contracts, time and material contracts and contracts prepared to address special risk situations.

He has been working with the California Contractors State License Board to amend existing statutory language and prepare new statutes.

With regard to disputes, Mr. Lubka has both litigated and tried many cases. Mr. Lubka has acted as an arbitrator for the American Arbitration Association and as a private mediator on construction disputes. He has represented his clients in California state courts, Federal courts including the United States Court of Federal Claims, the GAO on Federal bid protests, the American Arbitration Association (AAA) throughout the country, JAMS and other court and ADR venues. In addition, Mr. Lubka has also acted as an expert witness on construction related issues, such as prevailing wage law.

Areas of Expertise:

Construction

California Public Contracts

Federal Government Contracts

Contract Drafting

Public Works Projects

Trial Attorney – California and Federal Courts

AAA and JAMS Arbitrations and Mediations

Prevailing Wage/ Davis Bacon

Project Bid and Proposal Requirements

Mechanic's Liens

Stop Payment Notices

Bond Claims

Bid Protests

#### Bars & Courts:

California (1982)

Ohio (1980, inactive)

United States District Court of California, Southern (1983)

United States District Court of California, Central (1988)

United States District Court of California, Northern (1994)

Court of Appeals for the Federal Circuit (1994)

United States Federal Court Of Claims

#### Education:

George Washington University, National Law Center, J.D., 1980, Cum Laude

Columbia University, Bachelor of Arts, 1976

#### Representative Work

Represented and brought to a successful settlement the claims by a joint venture of major drywall subcontractors with regard to the UCLA Medical Center Project. The combined disputes on that project approached \$1 Billion dollars and involved complex schedule / delay claims.

Before the United States Court of Federal Claims, defended client against Department of Justice cause of action for False Claims and recovered damages for a small business client doing business with the Corps of Engineers.

Represented a contractor / design studio with regard to a planned 60-foot sculpture by Claes Oldenberg which was to have been installed at Disney Hall in Los Angeles. Successfully obtained a settlement without trial.

Drafted and negotiated contract to provide construction materials to a Qatar subcontractor for use on the Doha Airport.

Represented a water district in a dispute regarding a cast-in-place reservoir and brought the dispute to a successful settlement.

Represented a major Los Angeles hospital in the resolution of a significant general contractor claim, without a trial.

Represented homeowners in a jury trial against a general contractor, obtaining a substantial recovery for the homeowners.

Represented a local hotel owner through the construction of a large hotel facility and resolved numerous claims before legal actions were filed.

Represented a public entity through all phases of a new city hall project, from pre-construction planning, to drafting the bid package through resolution of disputes.

Represented a specialty space frame contractor in a Chicago AAA hearing, obtaining a substantial award against a Chicago area contractor.

Represented a country club in claims against it by the general contractor and architect, obtaining a defense verdict at trial for the country club.

Successfully represented a client in reversing a Caltrans award to another contractor and obtaining award for my client.

Drafted a Construction Manager at Risk contract for one of the largest airport contracts in recent years.

Drafted a contract form and subcontract form for a high end residential general contractor.

Obtained a ruling that contractor's claim had priority over the bank on an abandoned project.

Cleared title to a property where the owner's signature was used on a fraudulent deed.

Defended clients against False Claims Act claims.

Brought and defended claims involving critical path issues.

Participated in the audits of contract work performed by contractors and owners on several nuclear power plants.

Representative Clients:

San Gabriel Valley Council of Governments (formerly Alameda Corridor East Construction Authority)

Berger Brothers, Inc.

Ceilings Plus

City of Calabasas

Drill Tech Drilling & Shoring, Inc.

Heinaman Contract Glazing, Inc.

Indivest, Inc.

J. T. Wimsatt

Marcor Environmental, LP

Martin Brothers/Marcowall, Inc.

Metro PCS Communications, Inc.

Northstar Group Services, Inc.

Pacific Empire Builders

Paulus Engineering, Inc.

Plaza Construction

R. J. Daum Construction Company

SASCO Electric

SBS Corporation

Sharpe Interior Systems

Verco Decking, Inc.

#### Memberships:

Association of General Contractors of California, Legal Advisory Committee, Chair (2010 – 2011)

Association of General Contractors of California, Executive Committee Member (2010 – 2011)

Association of General Contractors of California, Legal Advisory Committee, Vice Chair (2009 – 2015)

CMAA Legal Committee

Los Angeles County Bar, Real Estate Subsection, Construction Division American Public Works Association

Honors:

Selected as Best Lawyer 2012 – 2015

Selected as Super Lawyer 2008 – 2015

2011 – 2015 Pasadena Top Attorney sponsored by Pasadena Magazine

Selected Speaking Engagements & Seminars:

Construction Claims on Public Contracts, Lorman Education Services Webinar, July 2015

California's Approach to State and Local Procurement Claims, ABA State & Local Procurement Division, December 2014

Construction Contracting, Time and Money, Change Orders & Indemnity, The Seminar Group, September 2014

State Bar of California, 32nd Real Property Law Section Retreat, "The New Normal in Mechanic's Lien Law"

So You Got Sued... Mediations, Arbitrations, and Trials- What Are They & What Should You Do?

Differing Site Conditions – How to Avoid the Pits

How to Make Sure You Get Paid for Your Construction Work. Liens, Stop Notices and Payment Bonds. \*New Laws Effective July 1, 2012

Public Works Bidding and Subcontractor Listing- Navigating the Rapids

Terms and Conditions That Can Make the Difference Between Profit & Loss... Know the Ropes!

Workshop- Public Works Contracting – Pasadena

Mediation, Arbitration, and Trial

Bids, Plans, & Specifications and Key Contract Terms

AGC of California Legal Advisory Committee- Annual Legal Retreat-

The Impact of P&D v. Carlsbad Case on Public Works

Claims: Liens, Stop Notices, Bonds, Delay & Disruption, Termination

Mediation, Arbitration, and Trial

Bids, Plans, & Specifications and Key Contract Terms

Claims: Liens, Stop Notices, Bonds, Delay & Disruption, Termination

Mechanics Liens, Stop Notices and Bonds – CMAA Long Beach

Public Works Contracting – CMAA Long Beach

AGC of California- Legal Advisory Committee, Annual Legal Retreat

Survive and Thrive in 2010 – Dealing with Low Bid Disasters on Public Projects (March – July 2010, several dates and locations)

Public Works Contracting – CMAA San Diego

PESI – California Construction Law (San Diego)

PESI – California Construction Law (Costa Mesa)

PESI – California Construction Law (Pasadena)

Contract Terminations – When to Pull the Trigger

AGC of California – Legal Advisory Committee, Annual Legal Retreat

The Nuts and Bolts of Mechanics’ Liens

Public Works Contracting

California Construction Contracting Program

Caltrans Training Series- California Construction Law

False Claims Act

False Claims Act – San Diego

Public Contracting In California

USC Gould School of Law – 2008 Symposium on Real Estate Law and Business

PESI – California Construction Law

BICA Construction Credit Conference- “How to Take Control of the Process”

Associated General Contractors of California Retreat- “Stop Notices: An Often Overlooked Powerful Tool”

Prevailing Wage and Labor Compliance Laws- Sponsored by CMAA

“Forget Eichleay” Sponsored by CMAA

AIA Contracts- Pasadena

Associated General Contractors of California Retreat- “Forget Eichleay: Extended Home Office Overhead is Recoverable in CA”

CELSOC- “False Claims Act”

PESI- “Construction Law Conference”

Northern California Glass Management Association- “Public Works Contracting Workshop”

CMAA Panel- “Estimating for Contractor Costs and Market Fluctuations”

Construction Network - "How to Read a Construction Contract" - September 2019

Construction Network - "COVID-19: Charting Our Path Forward" - July 2020

Construction Network – “Bid Protests: Local, State & Federal – A ‘How-To’ Course” - March 2021

Construction Network – “California Prevailing Wage Law How to protect yourself against fines, penalties and interest” - May 2021

Construction Network – “How to Review a Construction Contract” - September 2021

Construction Network – “How to Review a Construction Contract” - September 2021