



# James M. Kwartnik, Jr.

## Member

## Philadelphia

[jkwartnik@cozen.com](mailto:jkwartnik@cozen.com) | (215) 665-6937

### Practice Areas

- Construction Law
- Commercial Litigation

### Industry Sectors

- Real Estate & Construction
- Cannabis

### Education

- Temple University—James E. Beasley School of Law, J.D., 2009
- St. Joseph's University, B.S., *magna cum laude*, 2003

### Bar Admissions

- Pennsylvania

### Court Admissions

- U.S. Supreme Court

### Awards & Honors

- Law360, *Rising Star* for Construction 2019
- Best Lawyers in America 2022-2025
- *Legal 500 United States* "Next Generation Partner" for Construction Law, 2022-2024

Jim often gets involved in his clients' projects from the outset, providing project delivery system advice and working closely with clients throughout the contracting process. Aided by his business background, Jim has extensive experience drafting and negotiating a wide array of construction, renovation, architectural services, design-build, engineering, and consulting contracts from both sides of the table on projects and for clients situated throughout the country. Once these projects are up and running, Jim provides ongoing project counseling and dispute avoidance or mitigation advice to his clients.

When disputes cannot be avoided, Jim counsels and represents his clients through the dispute resolution process. Jim has been involved in disputes arising in connection with projects in the public and private sectors. He has experience counseling his clients through the various types of disputes they face in the construction industry, including bid protests, scope disputes, payment claims, delay and disruption claims, termination claims, defective design claims, mechanics' lien claims, and bond claims, to name a few.

Jim's counseling and dispute resolution clients include owners, developers, contractors, construction managers, subcontractors and design professionals. He has worked on projects in numerous sectors of the construction industry, including commercial office towers, luxury condominiums and apartment buildings, hotels, industrial facilities, cannabis facilities, power plants, and infrastructure construction.

While in college, where he was a member of Beta Gamma Sigma (the National Business Honor Society), Jim worked for a construction management firm in its accounting department. After graduating *magna cum laude*, Jim moved on to become the controller of a regional specialty subcontractor, performing various accounting and management functions. While serving in that role, Jim also attended law school full time in the evening. For four years, Jim continued to gain practical construction business experience by day and earned his law degree by night.

## Experience

Represented the lender of a \$340 million construction loan financing for a mixed-use hotel condominium project in downtown Miami. The 50-story project is slated to include a 219-room hotel with 310 residential condominium units above the hotel portion, as well as ground-floor retail space that will include five restaurant and bar areas.

Drafted and negotiated guaranteed maximum price agreement in connection with \$72 million residential development project in Denver, CO.

Drafted and negotiated guaranteed maximum price agreement in connection with \$82 million student housing project in Reno, NV.

Drafted and negotiated guaranteed maximum price agreement in connection with \$237 million residential development project, including student housing, in Phoenix, AZ.

Drafted and negotiated guaranteed maximum price and architectural services agreements in connection with development of \$101 million mixed-use project in Silver Spring, MD.

James M. Kwartnik, Jr.

[jkwartnik@cozen.com](mailto:jkwartnik@cozen.com)

P: (215) 665-6937 | F: (215) 665-2013

©2024 Cozen O'Connor. All rights reserved.



Drafted and negotiated guaranteed maximum price and architectural services agreements in connection with development of \$179 million mixed-use project in Alexandria, VA.

Drafted and negotiated guaranteed maximum price agreements, architectural services agreements, and consultant agreements for multiple residential and mixed-use projects in New York, NY, with construction contract amounts of up to \$165 million.

Represented real estate developer Parkway Corporation in connection with the zoning, construction, leasing, and \$187 million financing of a new office tower at 2222 Market Street in Philadelphia. The 19-story tower will have 305,000 square feet of rentable space. This transaction drew on the experience of the firm's real estate; construction; corporate; tax; bankruptcy, insolvency & restructuring; and environmental attorneys.

Drafted and negotiated construction and design services contracts for projects located throughout the United States on behalf of international direct-to-consumer retailer headquartered in Pennsylvania and its affiliated companies.

Drafted and negotiated an \$80 million guaranteed maximum price agreement in connection with the construction of a mixed-use high rise in Raleigh, N.C.

Drafted and negotiated, on behalf of the design-builder, all contract documents with the owner, architect, general contractor, and subconsultants in connection with the design and construction of a new health sciences building, valued at more than \$10 million, at a university in Pennsylvania.

Drafted and negotiated a \$40 million guaranteed maximum price agreement in connection with the construction of a hotel in Philadelphia.

Drafted and negotiated a \$33 million design-build agreement in connection with the design and construction of a five-star hotel in New Orleans.

Drafted and negotiated lump sum construction contracts, architectural services agreements, and consultant agreements for \$20 million office building construction project in Dallas, TX.

Drafted and negotiated guaranteed maximum price contract and architectural services agreement, in connection with the design and construction of a \$48 million apartment building in Washington, D.C.

Drafted and negotiated guaranteed maximum price contract and architectural services agreement, in connection with the design and construction of a \$10 million life sciences building in Philadelphia, PA.

Drafted and negotiated guaranteed maximum price contracts, architectural services agreements, and consultant agreements in connection with multiple, separate development projects, each with a construction value of \$30-\$40 million, related to design and construction of residential communities serving retirement-aged residents throughout the southeastern part of the United States.

Drafted and negotiated \$43 million guaranteed maximum price contract in connection with construction of multi-family residential project in Salt Lake City, UT.

Drafted and negotiated guaranteed maximum price and architectural services agreements in connection with development of student housing and additional university facilities in Sacramento, CA.

Drafted and negotiated design-build agreements related to the construction of food processing and distribution facilities in Pennsylvania and Illinois.

Drafted and negotiated guaranteed maximum price contract in excess of \$46 million in connection with the development of a single family home rental community in Texas.

Represented private lender in connection with its review and negotiation of underlying guaranteed maximum price contract in connection with the development of \$480 million multi-family residential project in Honolulu, HI.

Represented private lender in connection with its review and negotiation of underlying guaranteed maximum price contract in connection with the development of \$125 million mixed-use hotel, residential condominium, and villa project located in Turks and Caicos Islands.

Successfully represented a Fortune 100 midstream energy company (joint venture) in defense of claims of more than \$100 million by a pipeline contractor arising from the construction of the 700-mile Rover natural gas pipeline through Pennsylvania, West Virginia, Ohio, and Michigan. After a 9-day trial in Harris County, Texas, the court awarded the contractor only \$1.1 million of \$63.1 million in breach of contract damages and denied all other tort and quasi-contract claims. The court then awarded the client \$13.7 million on its counterclaims for breach of contract, as well as attorneys' fees and costs. *U.S. Pipeline, Inc. v. Rover Pipeline LLC*, 333rd Judicial District of Harris County, Texas, No. 2018-39920.

Negotiated the resolution of respective delay claims of an owner-developer and construction manager arising out of the construction of a mixed-use tower in Indianapolis.

Negotiated the resolution of respective delay claims of the owner-developer and construction manager arising out of the construction of a high rise, luxury condominium tower in New York City.

Defended a design-builder against claims asserted by various subcontractors arising out of the construction of the Regional Produce Center in Philadelphia.

Represented contractor in connection with litigation arising out of public construction project in New York City and negotiated favorable settlement paying only a fraction of roughly \$15 million of extra work claims asserted by a subcontractor.

Represented subcontractor in mechanic's lien action arising out of work on commercial retail project and negotiated favorable settlement, recovering in excess of \$2 million for extra work claims.

Represented subcontractor in arbitration arising out of work on mall renovation project and negotiated favorable settlement, recovering full value of extra work claims.

Secured a significant victory in the Commonwealth Court of Pennsylvania on behalf of Allan Myers, LP, a non-union construction company that filed a bid protest with the Pennsylvania Department of Transportation (PennDOT) challenging a provision in a project solicitation requiring that all contractors execute a Project Labor Agreement (PLA) with local unions, hire labor through local unions, and be bound by the unions' collective bargaining agreements. PennDOT dismissed the bid protest, and we successfully appealed that decision, with the Commonwealth Court unanimously holding that the PLA violated Pennsylvania's competitive bidding laws and setting a new standard for the use of PLAs. This is the first case in which a Pennsylvania court has not upheld a PLA.