

## PREFACE

This volume revises Selected Studies in “Highway Construction Contracting,” Volume 3, *Selected Studies in Highway Law* (SSHL). That volume consisted of 12 legal research reports. Four articles incorporated into this volume were published subsequent to the last revision of SSHL in 1991.

The SSHL Volume dealing with construction contracting was unique in that some of the topics were first published in the initial SSHL Volume (1978) and not issued as Legal Research Digests. Some were subsequently supplemented by Research Results Digests. See the organization and relevant digests below:

- Licensing and Qualification of Bidders
  - Supplement to *Licensing and Qualifications of Bidders* in *Selected Studies in Highway Law*, NCHRP Research Results Digest No. 157, by Ross D. Netherton (1986).
  - Suspension, Debarment and Disqualifications of Highway Construction Contractors*, NCHRP Legal Research Digest No. 12, by Darrell Harp (1990).
- Competitive Bidding and Award of Highway Construction Contracts
  - Supplement to *Competitive Bidding and Award of Construction Contract in SSHL*, NCHRP Research Results Digest No. 163, by Ross D. Netherton (1987).
- Indemnification and Suretyship
  - Indemnification and Insurance Requirements for Design Consultants and Contractors on Highway Projects*, NCHRP Legal Research Digest No. 37, by Darrell W. Harp (1996).
- Labor Standards in Federal-Aid Highway Construction Contract
  - Supplement to *Labor Standards in Federal-Aid Highway Construction Contracts*, NCHRP Legal Research Digest No. 5, by Ross D. Netherton (1989).
- Control of Conflicts of Interest in Highway Construction Contract Administration
  - Control of Conflicts of Interest in Highway Construction Contract Administration*, NCHRP Research Results Digest No. 109, by Ross Netherton (1979).
- Legal Problems Arising from Changes, Changed Conditions, and Disputes Clauses in Highway Construction Contracts.
- Legal Effect of Representation as to Subsurface Conditions
  - Legal Effects as to Representation of Subsurface Condition*, NCHRP Research Results Digest No. 39, by John C. Vance and A. Alling Jones (1972).
- Liability for Delay in Completion of Highway Construction Contract.
- *Enforceability of the Requirement of Notice in Highway Construction Contracts*
  - NCHRP Research Results Digest No. 152, by John Vance (1986).
- Trial Strategy and Techniques in Highway Contract Litigation
  - Trial Strategies and Techniques in Highway Contract Litigation*, NCHRP Research Results Digest No. 108, by Orrin F. Finch and Kingsley T. Hoegstedt (1979).
- Minority and Disadvantage Business Enterprise Requirements in Public Contracting
  - Minority and Disadvantage Business Enterprise Requirements in Public Contracting*, NCHRP Research Results Digest No. 146, by Orrin F. Finch (1985).

—*Supplement to Minority and Disadvantaged Business Enterprise Requirements in Public Contracting*, NCHRP Legal Research Digest No. 25, by Orrin Finch (1992).

- Legal Implications in the Use of Penalty and Bonus Provisions in Highway Construction Contracts: The Use of Incentive and Disincentive Clauses as Liquidation Damages for Quality Control and for Early Completion.
- *Preventing and Defending Against Highway Construction Contract Claims: The Use of Change or Differing Site Condition Clauses and New York State's Use of Exculpatory Contract Provisions and No Claims Clause*, by Darrel Harp (1993).
- *Liability of Contractors to State Transportation Departments for Latent Defects in Construction After Project Acceptance*, NCHRP Legal Research Digest No. 39, by Darrell W. Harp (1997).

The overall focus of this revised Volume is to follow the Construction Contracting process from start to finish, from contract planning to conclusion of the claims processes. Many of the older articles present considerable historical information as well as extensive tables setting forth state by state statutory citations. We have removed a significant portion of the historical information, updated the statutory citations, and sought to focus this volume much more towards assisting the practicing attorney.