



James M. Kwartnik, Jr.

Member

Philadelphia

jkwartnik@cozen.com | (215) 665-6937

Jim, who was recognized in 2019 as one of three Law360 “Rising Stars” in construction law and has spent his entire career in the construction industry, 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

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.

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.

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

Awards & Honors

- Law360, *Rising Star* for Construction 2019

James M. Kwartnik, Jr.

jkwartnik@cozen.com

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

©2020 Cozen O’Connor. All rights reserved.



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.

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.