

Index

ABANDONMENT

Contract, damage calculation method, **8:31**

Original contractor, mechanics' liens, **10A:9, 10A:10**

ABATEMENT OF ASBESTOS

Commercial licensing/registration requirements, **2:35**

ABSTRACT

Litigation, collection issues, **14:46**

ACCELERATION

Delays in performance, **8:15**

ACCEPTANCE OF GOODS

Negotiation and form of purchase orders/supply contracts, **7:9, 7:10**

ACCESSIBILITY FOR DISABLED PERSONS

Commercial building codes/regulations, **3:5**

ACCOUNTING FOR DELAYS IN PERFORMANCE

Generally, **8:17**

ACCRUAL OF INDEBTEDNESS OF CLAIMANTS

Mechanics' liens, **10:8**

ACTIONS AND PROCEEDINGS

Litigation, this index

ACTIVITIES

Pre-litigation activities, **14:2 to 14:7**

ACTUAL DAMAGES

Delays in performance, **8:16**

ADDITIONAL INSURED

Insuring construction risks, **9:25**

ADMINISTRATION

Arbitrations, **13:10, 13:11**

ADMINISTRATION—Cont'd

General contract, negotiation and form, **5:10**

AFFIDAVITS

Mechanics' Liens, this index

AGENCIES

Public contracts, bidding requirements for state agencies, **4:11**

AGENTS

Insurance agent, letter to, **9A:1**

Public contracts, construction manager-agent project delivery method, **4:6**

AGREEMENTS

Contracts, this index

AIA (AMERICAN INSTITUTE OF ARCHITECTS) DOCUMENTS

Negotiation and Form, this index

ALARMS

Commercial licensing/registration requirements, fire alarm devices, **2:41**

ALCOHOL AND DRUG TESTING

Statutes affecting commercial and residential construction, workplace issues, **3:16**

ALTER EGO LIABILITY

Doing construction business in Texas, piercing corporate veil, **2:16**

ALTERNATIVE DISPUTE RESOLUTION

Arbitration, this index

Litigation, **14:35 to 14:37**

Mediation, this index

AMBIGUITY

Contract construction, **1:20**

**AMERICAN INSTITUTE OF
ARCHITECTS DOCUMENTS**

Negotiation and Form, this index

AMOUNT OF PRIME CONTRACT

Bond claims on Texas public works,
11:1 et seq.

ANSWERS

Arbitration procedures, answering
statement, **13:13, 13A:2**
Litigation progress, **14:22**

**ANTI-DISCRIMINATION
STATUTES**

Workplace issues, **3:21**

**APPLICATION FOR CERTIFIED
COPY OF MILLER ACT BOND
AND CONTRACT**

Bond claims on federal projects,
12A:2

**APPLICATION OR
APPLICABILITY**

Mechanics' liens, property subject to,
10:3 to 10:5
Texas Business and Commerce Code,
negotiation and form of
purchase orders/supply
contracts, **7:2 to 7:4**

ARBITRATION

Generally, **13:1 to 13:25**
Administration of arbitrations, **13:10,
13:11**
Answering statement, **13:13, 13A:2**
Architect/engineer decision clauses,
13:2
Award, enforcing/vacating, **13:19 to
13:23**
Challenges to arbitration, compelling
arbitration, **13:7**
Collateral estoppel, enforcing/
vacating of award, **13:22**
Compelling arbitration, **13:4 to 13:9**
Consolidation/joinder, procedures for
arbitration, **13:17**
Contracts, standard clauses, **13:1 to
13:3**
Demand for arbitration, **13:13, 13A:1**

ARBITRATION—Cont'd

Discovery, procedures for arbitration,
13:16
Drafting arbitration clauses, **13:25**
Enforcement of award, **13:19 to
13:23**
Engineer/architect decision clauses,
standard clauses, **13:2**
Federal Arbitration Act, **13:6, 13:21**
Foreign awards, enforcing/vacating
of award, **13:23**
Future of arbitration
artificial intelligence, **13:26**
Hearing, procedures for arbitration,
13:14, 13:18
Incorporation by reference of sureties
and third parties, compelling
arbitration, **13:8**
International arbitrations, **13:24**
Joinder/consolidation, procedures for
arbitration, **13:17**
Locale for hearing, procedures for
arbitration, **13:14**
Negotiation and form of subcontracts,
6:8
Pre-hearing matters, procedures for
arbitration, **13:16**
Procedures for arbitration, **13:12 to
13:18**
Res judicata, enforcing/vacating of
award, **13:22**
Scope of arbitration clause, standard
clauses, **13:3**
Selection of arbitrator, procedures for
arbitration, **13:15**
Self-administered arbitrations, **13:11**
Standard clauses, **13:1 to 13:3**
Statutes, **13:5 et seq.**
Sureties incorporation by reference,
compelling arbitration, **13:8**
Third parties incorporation by refer-
ence, compelling arbitration,
13:8
Vacation of award, **13:19 to 13:23**
Waiver of right to arbitration, com-
pelling arbitration, **13:9**

ARCHITECTS

American Institute of Architects
documents. Negotiation and
Form, this index

INDEX

ARCHITECTS—Cont'd

- Arbitration, architect/engineer decision clauses, **13:2**
- Change orders and extra work, **8:12**
- Commercial licensing/registration requirements, **2:29, 2:30**
- Litigation, institution of suit against architect, **14:11**

ASBESTOS ABATEMENT

- Commercial licensing/registration requirements, **2:35**

ASSENT

- Contract formation, mutual assent, **1:3**

ASSESSMENT OF MOLD CONTRACTORS

- Commercial licensing/registration requirements, **2:34**

ASSIGNMENT

- Bond claims on Texas public works, **11:10**
- Negotiation and form of subcontracts, **6:9**

AT-RISK

- Public contracts, construction manager-at-risk project delivery method, **4:7**

ATTACHMENT

- Litigation, collection issues, **14:47**

ATTORNEY'S FEES

- Litigation, damages, **14:33**

ATTRACTIVE NUISANCE

- Duties owed on construction projects, **9:10**

AT-WILL EMPLOYMENT

- Doing construction business in Texas, **2:20, 2:21**

AUTHORITIES

- Public contracts, bidding requirements for specific entities, **4:15 to 4:17**

AUTHORITY

- Contract enforceability defenses, **1:9**

AUTOMATIC STAY

- Bankruptcy Code, **3:33**

AWARD

- Arbitration, enforcing/vacating, **13:19 to 13:23**

BACKGROUND CHECKS

- School projects, **3:18**

BANKRUPTCY

- Code, **3:31 to 3:37**
- Litigation, collection issues, **14:48**

BASES

- Public contracts, bidding requirements for defense base development authorities, **4:16**

BENEFICIARY

- Third-party beneficiary, contract construction, **1:22**

BENEFITS

- Statutes affecting commercial and residential construction, workplace issues, **3:22**

BIDS AND BIDDING

- Public Contracts, this index

BILLS PAID

- Affidavit, mechanics' liens, **10:25, 10A:18, 10A:19**

BOILER WORK

- Commercial licensing/registration requirements, **2:37**

BOND

- Bonds, this index

BOND CLAIMS

- Amount of prime contract, Texas public works, **11:1 et seq.**
- Application for certified copy of Miller Act bond and contract, federal projects, **12A:2**
- Assignment issues, Texas public works, **11:10**
- Contractors
 - federal projects, **12:1 et seq.**
 - Texas public works, **11:1 et seq.**

BOND CLAIMS—Cont'd

Contracts

federal projects, **12:1 et seq.**

Texas public works, **11:1 et seq.**

Coverage under Miller Act, federal projects, **12:3**

Damages for delay, federal projects, **12:7**

Delay damages, federal projects, **12:7**

Federal projects, **12:1 to 12:7, 12A:1, 12A:2**

First tier claimants, Texas public works, **11:6, 11A:3**

Issues

assignment, priority and waiver issues, Texas public works, **11:10**

notice issues, federal projects, **12:5**

Liens

federal projects, **12:1 et seq.**

mechanics' liens, **10:1 et seq.**

Texas public works, **11:1 et seq.**

Litigation. Suits on bond, below

Materials

mechanics' liens, **10:1 et seq.**

specialty fabricated materials notice, Texas public works, **11A:6**

Mechanics' liens, **10:1 et seq.**

Miller Act, federal projects, **12:1 et seq.**

Notice

federal projects, **12:5, 12A:1**

mechanics' liens, notice of payment bond claim, **10A:22, 10A:23**

Texas public works, **11A:1 to 11A:7**

Payment

bonds. Payment bonds, below

Texas public works, **11:5, 11A:4**

Payment bonds

mechanics' liens, notice of payment bond claim, **10A:22, 10A:23**

Texas public works, **11:5**

Perfection

bond claims

federal projects, **12:4**

BOND CLAIMS—Cont'd

Perfection—Cont'd

bond claims—Cont'd

mechanics' liens, Property Code bond to protect owner,

10:28

Texas public works, **11:6, 11:7**

lien claims, Texas public works, **11:3**

Prime contracts, Texas public works, **11:1 et seq.**

Priority issues, Texas public works, **11:10**

Purpose of Miller Act, federal projects, **12:2**

Retainage, notice of claim for payment, Texas public works, **11A:4**

Rights to information, Texas public works, **11:9**

Scope of Miller Act, federal projects, **12:2**

Second month notice, Texas public works, **11A:5**

Second tier

claimants, Texas public works, **11:7, 11A:7**

Second-tier

contractor notice, federal projects, **12A:1**

Specially fabricated materials notice, Texas public works, **11A:6**

Suits on bond

federal projects, **12:6**

Texas public works, **11:8**

Summary of notice requirements, Texas public works, **11A:3, 11A:7**

Texas public works, **11:1 to 11:10, 11A:1 to 11A:7**

Third month notice, Texas public works, **11A:2**

Waiver issues, Texas public works, **11:10**

BONDS

Claims. Bond Claims, this index

Mechanics' Liens, this index

Negotiation and Form, this index

Payment Bonds, this index

INDEX

BONDS—Cont'd

- Performance bonds, public contracts, **4:29**
- Public Contracts, this index

BREACH OF CONTRACT

- Claims of breach, **8:2 to 8:7**
- Litigation, institution of suit, **14:13**

BUILDER'S RISK COVERAGE

- Insuring construction risks, **9:28**

BUSINESS

- Doing Construction Business in Texas, this index
- Texas Business and Commerce Code, this index

CALCULATION

- Damage calculation methods, claims and disputes, **8:28 to 8:33**

CAPACITY

- Contract enforceability defenses, **1:8**

CARDINAL CHANGE DOCTRINE

- Damage calculation method, **8:31**

CARRIERS

- Statutes affecting commercial and residential construction, **3:10**

CAUSE AND CAUSATION

- Generally, **9:11 to 9:16**
- Termination for cause, default, **8:24**

CERTIFICATES

- Estoppel certificate, law of contracts, **1:30**
- Insurance, **9:39**
- Public contracts and bid issues, certificate of interested parties, **4:26**

CERTIFIED COPY

- Bond claims on federal projects, application for certified copy of Miller Act bond and contract, **12A:2**

CHAIRLIFT WORK

- Commercial licensing/registration requirements, **2:38**

CHALLENGES

- Arbitration, **13:7**

CHALLENGES—Cont'd

- Protest, public contract bid issues, **4:21**
- Trial, challenging unfavorable result, **14:44**

CHANGE

- Cardinal change doctrine, damage calculation method, **8:31**
- Claims and disputes, change orders, **8:8 to 8:13**
- Modified total cost method, damage calculation, **8:30**
- Negotiation and Form, this index

CHAPTERS 7, 11 AND 13

- Bankruptcy Code, **3:32**

CHOICE OF LAW

- Litigation, institution of suit, **14:10**

CITIZENS PARTICIPATION ACT

- Statutes, **3:48**

CLAIMS

- Generally, **8:1 et seq.**
- American Institute of Architects documents, **5:21**
- Bond Claims, this index
- Insurance, this index
- Litigation, this index

CODES

- Bankruptcy Code, **3:31 to 3:37**
- Commercial building codes, **3:2 to 3:5**
- Texas Business and Commerce Code, this index

COLLATERAL ESTOPPEL

- Arbitration, enforcing/vacating of award, **13:22**

COLLECTION ISSUES

- Litigation, **14:45 to 14:48**

COMMENCEMENT

- Negotiation and form of subcontracts, **6:11**

COMMERCE

- Texas Business and Commerce Code, this index

COMMERCIAL CONSTRUCTION
Statutes affecting, **3:1 to 3:47**

**COMMERCIAL GENERAL
LIABILITY COVERAGE**
Insuring construction risks, **9:22 et
seq.**

**COMMERCIAL
IMPRACTICABILITY**
Defenses, **7:14**

**COMMERCIAL
LICENSING/REGISTRATION
REQUIREMENTS**
Doing construction business in Texas,
2:24 to 2:43

COMMISSIONS
Texas Residential Construction Com-
mission, Residential Construc-
tion Liability Act, **3:43**

COMPELLING ARBITRATION
Generally, **13:4 to 13:9**

**COMPETITION AND
COMPETITIVE MATTERS**
Doing construction business in Texas,
business and contractual compe-
tition, **2:22, 2:23**
Public Contracts, this index

COMPLETION
Claims and disputes, **8:25 to 8:27**
Mechanics' liens, affidavit, **10:26,
10A:20, 10A:21**
Negotiation and Form, this index

CONDITIONS
Differing site conditions, change
orders and extra work, **8:9**
Negotiation and form of general
contracts, **5:6 to 5:25**
Precedent conditions, pre-litigation
activities, **14:7**

CONSIDERATION
Contract formation, **1:4**

CONSOLIDATION/JOINDER
Arbitration procedures, **13:17**

**CONSPICUOUSNESS
REQUIREMENT**
Indemnification, **8:39**

**CONSTITUTIONAL MECHANICS'
LIEN**
Generally, **10:2**

**CONSTRUCTION AND
INTERPRETATION**
Contracts, rules of construction, **1:18
to 1:26**

CONSTRUCTION MANAGERS
Managers of Construction, this index

**CONSTRUCTION TRUST FUND
ACT**
Payment, **3:28**

CONSUMER PROTECTION ACT
Deceptive trade practices, **3:38 to
3:40**

CONTESTS
Challenges, this index

CONTINGENT PAYMENT
Approval, fees, public contracts, **4:39**
Statutes affecting commercial and
residential construction, **3:27**

CONTRACTORS
Bond Claims, this index
Commercial licensing/registration
requirements, **2:25, 2:33 et seq.**
Duties owed on construction projects,
9:4
General Contractors, this index
Handling of claims between contrac-
tors, **8:34 to 8:36**
Mechanics' liens, **10:1 et seq.**
Negotiation and Form, this index
Subcontractors, this index

CONTRACTS
Generally, **1:1 to 1:30**
Abandonment of contract, damage
calculation method, **8:31**
Ambiguity, rules of contract
construction, **1:20**
Arbitration, standard clauses, **13:1 to
13:3**

INDEX

CONTRACTS—Cont'd

- Authority, defenses to contract enforceability, **1:9**
- Bankruptcy Code, **3:34**
- Bond Claims, this index
- Breach of Contract, this index
- Capacity, defenses to contract enforceability, **1:8**
- Certificate, promissory estoppel, **1:30**
- Consideration, formation of contract, **1:4**
- Construction and interpretation rules, **1:18 to 1:26**
- Construction law as law of contracts, **1:1 to 1:30**
- Construction of contracts, **1:18 to 1:26**
- Course of performance, rules of contract construction, **1:24**
- Custom and usage, rules of contract construction, **1:25**
- Defenses to contract enforceability, **1:7 to 1:17**
- Doing Construction Business in Texas, this index
- Drafter, interpretation of contract against, **1:23**
- Duress, defenses to contract enforceability, **1:12**
- Enforceability, defenses to, **1:7 to 1:17**
- Entire contract, reasonable and logical interpretation of, **1:21**
- Error. Mistake or mistakes, below
- Execution issues, defenses to contract enforceability, **1:17**
- Formation of contract, **1:2 to 1:5**
- Fraud, defenses to contract enforceability, **1:11**
- Frauds, statute of, defenses to contract enforceability, **1:15**
- Impact of Texas Business and Commerce Code, formation of contract, **1:5**
- Implied contracts, **1:27, 1:28**
- Insurance, this index
- Intent
 - letters of intent, formation of contract, **1:6**

CONTRACTS—Cont'd

- Intent—Cont'd
 - parties, rules of contract construction, **1:20**
- Interim agreements, formation of contract, **1:6**
- Interpretation and construction rules, **1:18 to 1:26**
- Laws. Statutes, below
- Leases, this index
- Letters of intent, formation of contract, **1:6**
- Liquidation agreements, handling of claims between contractors, **8:36**
- Logical and reasonable interpretation of entire contract, **1:21**
- Mechanics' liens, **10:1 et seq.**
- Misrepresentation, defenses to contract enforceability, **1:11**
- Mistake or mistakes
 - enforceability defenses, **1:10**
 - public contracts, bid issues, **4:20**
- Mutual assent, formation of contract, **1:3**
- Negotiation and Form, this index
- Oral contracts, defenses to contract enforceability, **1:16**
- Parol evidence rule, rules of contract construction, **1:19**
- Parties' intent, rules of contract construction, **1:20**
- Partly oral contracts, defenses to contract enforceability, **1:16**
- Prior dealings, rules of contract construction, **1:24**
- Project labor agreements, **3:23**
- Promissory estoppel, **1:29, 1:30, 4:24**
- Public Contracts, this index
- Quantum meruit, implied contracts, **1:28**
- Reasonable and logical interpretation of entire contract, **1:21**
- Rules of contract construction, **1:18 to 1:26**
- Specific terms over general terms, rules of contract construction, **1:26**

CONTRACTS—Cont'd

- Statute of frauds, defenses to contract enforceability, **1:15**
- Statutes
 - generally, **1:1 to 1:30**
 - Bankruptcy Code, **3:34**
- Terms, rules of contract construction, **1:26**
- Texas Business and Commerce Code, formation of contract, **1:5**
- Third-party beneficiary, rules of contract construction, **1:22**
- Unconscionability, defenses to contract enforceability, **1:14**
- Undue influence, defenses to contract enforceability, **1:13**
- Usage and custom, rules of contract construction, **1:25**
- Written terms over printed terms, rules of contract construction, **1:26**

CONTRIBUTION

- Causation and responsibility, **9:15**

CONTROL

- OSHA and negligence, right to control, **9:20**

CONVENIENCE TERMINATION

- Default, **8:24**

COOPERATION

- Insurance carrier, duty to cooperate with, **9:35**

COPY

- Bond claims on federal projects, application for certified copy of Miller Act bond and contract, **12A:2**

CORPORATIONS

- Doing Construction Business in Texas, this index

CORRECT DESIGN DOCUMENTS

- Negotiation and form of general contract, implied duty to provide, **5:24**

CORRECTIONS

- Negotiation and form of general contracts, work, **5:18**
- Public contracts, bid issues, **4:20**

COST-PLUS

- Negotiation and form of general contracts, **5:4**

COSTS

- Completion of project, **8:26**
- Damages, costs of action, **14:33**
- Total cost method, damage calculation, **8:29, 8:30**

COUNTERCLAIMS

- Litigation progress, **14:22**

COUNTIES

- Public contracts, bidding requirements, **4:12**

COURSE OF DEALING

- Negotiation and form of purchase orders/supply contracts, **7:4**

COURSE OF PERFORMANCE

- Contract construction, **1:24**
- Negotiation and form of purchase orders/supply contracts, **7:4**

COVENANTS NOT TO COMPETE, DISCLOSE OR SOLICIT

- Doing construction business in Texas, business and contractual relations and competition, **2:23**

COVERAGE

- Insuring construction risks, **9:22 et seq.**
- Miller Act, bond claims on federal projects, **12:3**

CRIMINAL BACKGROUND CHECKS

- School projects, **3:18**

CRIMINAL RECORDS

- Statutes affecting commercial and residential construction, **3:17**

CROSS-CLAIMS

- Litigation progress, **14:22**

INDEX

CURE

Default, **8:23**

CUSTOM

Contract construction, **1:25**

DAMAGES

Bond claims on federal projects, **12:7**

Calculation methods, claims and disputes, **8:28 to 8:33**

Delay damages, **8:16, 8:18, 12:7**

Litigation, **14:30 to 14:34**

Negotiation and form of purchase orders/supply contracts, **7:13**

Performance delays, **8:16, 8:18**

DATE

Time or Date, this index

DEADLINES FOR NOTICE/FILING

Mechanics' liens, summary, **10A:3, 10A:7**

DEALING OR DEALINGS

Contract construction, prior dealings, **1:24**

Insurance claims procedures, fair dealing, **9:37**

Negotiation and form of purchase orders/supply contracts, course of dealing, **7:4**

DEAL POINTS

Negotiation and form of purchase orders/supply contracts, **7:12**

DECEPTIVE TRADE PRACTICES

Consumer Protection Act, **3:38 to 3:40**

DECISION

Arbitration, architect/engineer decision clauses, **13:2**

DEFAULT

Claims and disputes, **8:22 to 8:24**

DEFECTS

Condominium complexes, institution of suit for defect or design claims, **14:12**

Insuring construction risks, **9:27**

DEFECTS—Cont'd

Plans and specifications, change orders and extra work, **8:11**

DEFENSE BASE DEVELOPMENT AUTHORITIES

Public contracts, bidding requirements, **4:16**

DEFENSES

Commercial impracticability, **7:14**

Contract enforceability, **1:7 to 1:17**

DELAY OR DELAYS

Damages, **8:16, 8:18, 12:7**

Performance delays, claims and disputes, **8:14 to 8:18**

DELIVERY

Negotiation and form of purchase orders/supply contracts, delivery of goods, **7:9, 7:10**

Public contracts, project delivery methods, **4:2 to 4:9**

DEMAND

Arbitration procedures, **13:13, 13A:1**

Mechanics' liens, demand for payment to owner, **10:24**

DEPOSITIONS

Litigation progress, **14:28**

DESIGN

Condominium complexes, institution of suit for defect or design claims, **14:12**

Negotiation and form of general contract, implied duty to provide correct design documents, **5:24**

Professionals. Design Professionals, this index

Public contracts, design-build project delivery method, **4:5**

DESIGN PROFESSIONALS

Duties owed on construction projects, **9:5**

Insuring construction risks, **9:31**

DETECTION

Doing Construction Business in Texas, this index

DEVELOPER'S IMPLIED WARRANTY

Negotiation and form of general contracts, **5:25**

DEVELOPMENT

Commercial building regulations, **3:4**
Pre-litigation activities, development of claim, **14:3**

Public contracts, bidding requirements for defense base development authorities, **4:16**

DEVICES

Commercial licensing/registration requirements, fire detection and alarm devices, **2:41**

DIFFERING SITE CONDITIONS

Change orders and extra work, **8:9**

DISABLED PERSON ACCESSIBILITY

Commercial building codes/regulations, **3:5**

DISADVANTAGED BUSINESS ENTERPRISE

Doing construction business in Texas, **2:11**

DISASTER REMEDIATION CONTRACTS

Generally, **3:41**

DISCLAIMERS OF WARRANTIES

Negotiation and form of purchase orders/supply contracts, **7:8**

DISCOVERY

Arbitration procedures, **13:16**
Litigation progress, **14:25, 14:28**

DISCOVERY RULE AND STATUTES OF LIMITATIONS

Generally, **3:45, 3:46**

DISCRIMINATION

Anti-discrimination statutes, workplace issues, **3:21**

DISPUTES AND RESOLUTION OF DISPUTES

Generally, **8:1 et seq.**

DISPUTES AND RESOLUTION OF DISPUTES—Cont'd

Alternative Dispute Resolution, this index

DISTRICTS

Public contracts, bidding requirements, **4:14, 4:17**

DOCUMENTS

Negotiation and Form, this index
Pre-litigation activities, project documents, **14:4**

DOING CONSTRUCTION BUSINESS IN TEXAS

Generally, **2:1 to 2:47**

Abatement of asbestos, commercial licensing/registration requirements, **2:35**

Alter ego liability, piercing corporate veil, **2:16**

Architects, commercial licensing/registration requirements, **2:29, 2:30**

Asbestos abatement, commercial licensing/registration requirements, **2:35**

Assessment of mold contractors, commercial licensing/registration requirements, **2:34**

At-will employment, **2:20, 2:21**

Boiler work, commercial licensing/registration requirements, **2:37**

Chairlift work, commercial licensing/registration requirements, **2:38**

Classification of workers for federal payroll tax purposes, **2:19**

Commercial licensing/registration requirements, **2:24 to 2:43**

Competition, business and contractual, **2:22, 2:23**

Contractors, commercial licensing/registration requirements, **2:25, 2:33 et seq.**

Contracts

employment agreements, **2:21**
relations and competition, **2:22, 2:23**

INDEX

DOING CONSTRUCTION

BUSINESS IN TEXAS—Cont'd

- Contracts—Cont'd
 - service contracts, residential licensing/registration requirements, **2:47**
- Corporations
 - forms of business, **2:7**
 - piercing corporate veil, **2:14 to 2:18**
- Covenants not to compete, disclose or solicit, business and contractual relations and competition, **2:23**
- Detection
 - fire detection devices, commercial licensing/registration requirements, **2:41**
 - smoke detectors, commercial licensing/registration requirements, **2:42**
- Disadvantaged business enterprise, **2:11**
- Electricians, commercial licensing/registration requirements, **2:32**
- Elevator work, commercial licensing/registration requirements, **2:38**
- Employment
 - at-will employment, **2:20, 2:21**
 - professional employer services, **2:26**
- Engineers, commercial licensing/registration requirements, **2:27**
- Enterprises, business, **2:9 to 2:13, 2:17**
- Escalator work, commercial licensing/registration requirements, **2:38**
- Failure to pay corporate franchise taxes, piercing corporate veil, **2:18**
- Fire detection and alarm devices, commercial licensing/registration requirements, **2:41**
- Fire escapes, commercial licensing/registration requirements, **2:43**
- Fire extinguishers, commercial licensing/registration requirements, **2:39**

DOING CONSTRUCTION

BUSINESS IN TEXAS—Cont'd

- Fire protection sprinkler systems, commercial licensing/registration requirements, **2:40**
- Foreign companies doing business in Texas, **2:44**
- Forms of business, **2:2 to 2:8**
- General partnership, forms of business, **2:4**
- Geoscientists, commercial licensing/registration requirements, **2:28**
- Historically underutilized business, business enterprises, **2:10**
- HVAC contractors, commercial licensing/registration requirements, **2:33**
- Joint venture, forms of business, **2:6**
- Landscape architects, commercial licensing/registration requirements, **2:30**
- Liability
 - alter ego liability, piercing corporate veil, **2:16**
 - limited liability company, forms of business, **2:8**
 - piercing corporate veil, **2:14 to 2:18**
- Licensing
 - commercial licensing requirements, **2:24 to 2:43**
 - residential licensing requirements, **2:46, 2:47**
- Limited liability company, forms of business, **2:8**
- Limited partnership, forms of business, **2:5**
- Minority business enterprise, **2:12**
- Mold assessment/remediation contractors, commercial licensing/registration requirements, **2:34**
- No general contractor license, commercial licensing/registration requirements, **2:25**
- Noncompetition covenant, business and contractual relations and competition, **2:23**
- Nondisclosure covenant, business and contractual relations and

DOING CONSTRUCTION

BUSINESS IN TEXAS—Cont'd

- competition, **2:23**
- Nonsolicitation covenant, business and contractual relations and competition, **2:23**
- Other states, Texas companies doing business in, **2:45**
- Partnership, forms of business, **2:4, 2:5**
- Piercing corporate veil, **2:14 to 2:18**
- Platform lift work, commercial licensing/registration requirements, **2:38**
- Plumbers, commercial licensing/registration requirements, **2:31**
- Professional employer services, **2:26**
- Registration
 - commercial registration requirements, **2:24 to 2:43**
 - residential registration requirements, **2:46, 2:47**
- Remediation of mold contractors, commercial licensing/registration requirements, **2:34**
- Residential licensing/registration requirements, **2:46, 2:47**
- Service contracts, residential licensing/registration requirements, **2:47**
- Sham to perpetrate fraud, piercing corporate veil, **2:15**
- Single business enterprise, piercing corporate veil, **2:17**
- Smoke detectors, commercial licensing/registration requirements, **2:42**
- Sole proprietorship, forms of business, **2:3**
- Taxes, this index
- Underground storage tank contractor, commercial licensing/registration requirements, **2:36**
- Underutilized business historically, business enterprises, **2:10**
- Woman business enterprise, **2:13**
- Work, **2:1 et seq.**

DRAFTER

- Contract interpreted against, **1:23**

DRUG AND ALCOHOL TESTING

- Statutes affecting commercial and residential construction, workplace issues, **3:16**

DURESS

- Contract enforceability defenses, **1:12**

DUTIES AND RESPONSIBILITIES

- Causation and responsibility, **9:11 to 9:16**
- Insurance carrier, duty to cooperate with, **9:35**
- Negotiation and Form, this index
- Owed duties on construction projects, **9:2 to 9:10**

ECONOMIC LOSS DOCTRINE

- Insuring construction risks, **9:26**

EDUCATION

- Public contracts, bidding requirements for institutions of higher education, **4:14**

EFFORTS AT NEGOTIATION

- Pre-litigation activities, **14:3**

ELECTRICIANS

- Commercial licensing/registration requirements, **2:32**

ELECTRONIC DATA

- Litigation progress, **14:26**

ELEVATOR WORK

- Commercial licensing/registration requirements, **2:38**

EMPLOYERS, EMPLOYEES AND EMPLOYMENT

- Criminal records of employees, **3:17**
- Doing Construction Business in Texas, this index
- Occupational Safety and Health, this index
- Unemployment taxes and insurance, statutes affecting commercial and residential construction, **3:13**
- Wages, this index
- Workers' Compensation, this index

INDEX

ENCUMBRANCES

Liens, this index

ENFORCEMENT

Arbitration award, **13:19 to 13:23**
Contracts, defenses to enforceability,
1:7 to 1:17

ENGINEERS

Arbitration, architect/engineer decision clauses, **13:2**
Change orders and extra work, **8:12**
Commercial licensing/registration requirements, **2:27**
Litigation, institution of suit against engineer, **14:11**

ENTERPRISES

Doing construction business in Texas, business enterprises, **2:9 to 2:13, 2:17**

ENTIRE CONTRACT

Reasonable and logical interpretation of, **1:21**

ENTITIES

Public contracts, bidding requirements for specific entities, **4:10 to 4:17**

ENUMERATION OF SUBCONTRACT

Negotiation and form of subcontracts, **6:17**

EQUIPMENT

Statutes affecting commercial and residential construction, **3:10**

ERROR OR MISTAKE

Contracts, this index

ESCALATOR WORK

Commercial licensing/registration requirements, **2:38**

ESCAPES

Commercial licensing/registration requirements, fire escapes, **2:43**

ESTOPPEL

Collateral estoppel, enforcing/ vacating of arbitration award, **13:22**

ESTOPPEL—Cont'd

Promissory estoppel, contracts, **1:29, 1:30, 4:24**

EVIDENCE

Contract construction, parol evidence rule, **1:19**
Discovery, this index
Litigation, this index

EXCEPTIONS

Exclusions or Exceptions, this index

EXCESS LIABILITY

Umbrella excess liability, insuring construction risks, **9:32**

EXCLUSIONS OR EXCEPTIONS

Delays in performance, exceptions to no damages for delay clause, **8:18**
Insuring construction risks, **9:24**

EXECUTION

Contract enforceability defenses, **1:17**
Litigation, collection issues, **14:46**

EXECUTORY CONTRACTS

Bankruptcy Code, **3:34**

EXEMPLARY DAMAGES

Litigation, **14:32**

EXEMPTIONS

Exclusions or Exceptions, this index

EXPENSES

Costs, this index

EXPERTS

Litigation progress, **14:27**

EXPOSURE

OSHA and negligence, **9:20**

EXPRESS NEGLIGENCE DOCTRINE

Indemnification, **8:38**

EXPRESS WARRANTIES

Consumer Protection Act, **3:40**
Negotiation and form of purchase orders/supply contracts, **7:6**

EXTENSIONS OF TIME

Delays in performance, **8:15**

EXTINGUISHERS

Commercial licensing/registration requirements, fire extinguishers, **2:39**

EXTRA WORK

Claims and disputes, **8:8 to 8:13**

FAILURE TO PAY CORPORATE FRANCHISE TAXES

Doing construction business in Texas, piercing corporate veil, **2:18**

FAIR DEALING

Insurance, claims procedures, **9:37**

FAIR LABOR STANDARDS ACT

Payment, independent contractor recharacterization under the FLSA, **3:30**

FAMILY AND MEDICAL LEAVE

Statutes affecting commercial and residential construction, workplace issues, **3:19**

FEDERAL ARBITRATION ACT

Generally, **13:6, 13:21**

FEDERAL PROJECTS

Bond claims on, **12:1 to 12:7, 12A:1, 12A:2**

FEES

Attorney's fees, litigation damages, **14:33**

FICA TAXES

Statutes affecting commercial and residential construction, **3:14**

FILING

Mechanics' Liens, this index

FINAL PAYMENT

Mechanic's Liens, this index
Negotiation and form of subcontracts, **6:14**

FIRE DETECTION AND ALARM DEVICES

Commercial licensing/registration requirements, **2:41**

FIRE ESCAPES

Commercial licensing/registration requirements, **2:43**

FIRE EXTINGUISHERS

Commercial licensing/registration requirements, **2:39**

FIRE PROTECTION SPRINKLER SYSTEMS

Commercial licensing/registration requirements, **2:40**

FIRST TIER CLAIMANTS

Bond claims on Texas public works, **11:6, 11A:3**

FORCE MAJEURE

Change orders and extra work, **8:10**

FORECLOSURE

Mechanics' liens, actions and relief, **10:35**

FOREIGN AWARDS

Arbitration, enforcing/vacating of award, **13:23**

FOREIGN COMPANIES DOING BUSINESS IN TEXAS

Generally, **2:44**

FOREIGN STATES

Texas companies doing business in other states, **2:45**

FORMATION OF CONTRACTS

Generally, **1:2 to 1:5**

FORM OR FORMAT

Negotiation and Form, this index

FORUM SELECTION

Litigation, institution of suit, **14:10**

FORWARDING SUIT OR CLAIM MATERIALS TO CARRIER

Insurance, **9A:2**

INDEX

FRANCHISE TAXES

Doing construction business in Texas, piercing corporate veil for failure to pay corporate franchise taxes, **2:18**

FRAUD

Contract enforceability defenses, **1:11**
Doing construction business in Texas, piercing corporate veil for sham to perpetrate fraud, **2:15**
Litigation, institution of suit, **14:17**

FRAUDS, STATUTE OF

Contract enforceability defenses, **1:15**

FUNDS

Construction Trust Fund Act, payment, **3:28**
Mechanics' Liens, this index

GARNISHMENT

Litigation, collection issues, **14:47**

GAS LINES

Statutes, **3:8**

GENERAL CONDITIONS

Negotiation and form of general contracts, **5:6 to 5:25**

GENERAL CONTRACTORS

No general contractor license, commercial licensing/registration requirements, **2:25**
Vicarious liability, OSHA and negligence, **9:19**

GENERAL CONTRACTS

Negotiation and form, **5:1 to 5:25, 5A:1**

GENERAL LIABILITY

INSURANCE

Commercial general liability coverage, insuring construction risks, **9:22 et seq.**

GENERAL PARTNERSHIP

Doing construction business in Texas, forms of business, **2:4**

GENERAL TERMS

Contract construction, specific terms over general terms, **1:26**

GEOSCIENTISTS

Commercial licensing/registration requirements, **2:28**

GIFTS

Public contracts, disclosure of gifts, **4:28**

GOOD FAITH

Insurance, claims procedures, **9:37**
Negotiation and form of purchase orders/supply contracts, duty, **7:3**

GOODS

Negotiation and form of purchase orders/supply contracts, delivery, acceptance or rejection, **7:9, 7:10**

GOVERNING LAW

Litigation, institution of suit, **14:10**

GROSS NEGLIGENCE

Litigation, institution of suit, **14:15**

HANDLING OF CLAIMS BETWEEN CONTRACTORS

Generally, **8:34 to 8:36**

HEALTH

Occupational Safety and Health, this index

HEARINGS

Arbitration procedures, **13:14, 13:18**

HIGHER EDUCATION INSTITUTIONS

Public contracts, bidding requirements, **4:14**

HISTORICALLY

UNDERUTILIZED BUSINESS

Doing construction business in Texas, business enterprises, **2:10**

HOLDERS OF MECHANICS' LIENS

Generally, **10:3 to 10:5**

HOLIDAYS

Deadlines, mechanics' liens, **10:9**

HOMESTEAD PROPERTY

Mechanics' liens, **10:4, 10:22**

HVAC CONTRACTORS

Commercial licensing/registration requirements, **2:33**

IMMIGRATION

Statutes affecting commercial and residential construction, workplace issues, **3:24**

IMMUNITY

Public contracts, sovereign immunity, **4:34**

IMPACT OF TEXAS BUSINESS AND COMMERCE CODE

Contract formation, **1:5**

IMPLIED MATTERS

Contracts, **1:27, 1:28**
Negotiation and Form, this index
Warranties. Implied Warranties, this index

IMPLIED WARRANTIES

Consumer Protection Act, **3:40**
Negotiation and Form, this index

IMPRACTICABILITY

Commercial, defenses, **7:14**

IMPROVEMENTS

Mechanics' liens, preference lien on removable improvements, **10:34**

INCORPORATION BY REFERENCE

Arbitration, sureties and third parties, **13:8**

INDEBTEDNESS

Mechanics' liens, accrual of indebtedness of claimants, **10:8**

INDEMNIFICATION

Causation and responsibility, **9:16**
Claims and disputes, **8:37 to 8:39**
Mechanics' lien, bond to indemnify against lien, **10:29, 10A:24, 10A:25**

INDEMNIFICATION—Cont'd

Public contracts, clauses, **4:33**

INDEPENDENT CONTRACTORS

Payment, independent contractor recharacterization under the FLSA, **3:30**

INDUCEMENT

Fraudulent inducement, litigation, **14:17**

INFLUENCE

Undue influence, contract enforceability defenses, **1:13**

INFORMATION

Bond claims on Texas public works, rights to information, **11:9**
Mechanics' liens, requests, **10:23, 10A:12 to 10A:17**
Public contracts, public information, **4:35**

INSPECTION

Negotiation and form of purchase orders/supply contracts, goods, **7:10**

INSTITUTION OF SUIT

Generally, **14:8 to 14:19**

INSTITUTIONS OF HIGHER EDUCATION

Public contracts, bidding requirements, **4:14**

INSURANCE

Generally, **9:1 et seq.**
Additional insureds, insuring construction risks, **9:25**
Builder's risk coverage, insuring construction risks, **9:28**
Certificates of insurance, **9:39**
Claims
forwarding claim materials to carrier, **9A:2**
letter to insurance agent and company, **9A:1**
notice of claim, **9:34, 9A:1**
procedures, **9:33 to 9:38**

INDEX

INSURANCE—Cont'd

- Commercial general liability coverage, insuring construction risks, **9:22 et seq.**
- Contracts
 - public contracts, **4:33**
 - reservation of rights agreements, claims procedures, **9:36**
- Coverage, insuring construction risks, **9:22 et seq.**
- Defective work, insuring construction risks, **9:27**
- Design professionals' insurance, insuring construction risks, **9:31**
- Duty to cooperate with insurance carrier, claims procedures, **9:35**
- Economic loss doctrine, insuring construction risks, **9:26**
- Exclusions, insuring construction risks, **9:24**
- Fair dealing, claims procedures, **9:37**
- Forwarding suit or claim materials to carrier, **9A:2**
- Good faith, claims procedures, **9:37**
- Letters, **9:36, 9A:1**
- Liability insurance, insuring construction risks, **9:22 et seq.**
- Negotiation and Form, this index
- Notice of claim, **9:34, 9A:1**
- Occurrence, insuring construction risks, **9:23**
- Procedures, claims, **9:33 to 9:38**
- Public contracts, **4:33**
- Reservation of rights letters/agreements, claims procedures, **9:36**
- Rights
 - reservation of rights letters/agreements, claims procedures, **9:36**
 - subrogation rights, claims procedures, **9:38**
- Risks, insuring construction risks, **9:21 to 9:32**
- Stowers doctrine, claims procedures, **9:37**
- Subrogation rights and waivers, claims procedures, **9:38**

INSURANCE—Cont'd

- Umbrella excess liability, insuring construction risks, **9:32**
- Unemployment insurance, statutes affecting commercial and residential construction, **3:13**
- Waivers, claims procedures, **9:38**
- Workers' compensation insurance, insuring construction risks, **9:29**

INTENT

- Contracts, this index

INTEREST ON MONEY

- Litigation, damages, **14:34**

INTERESTS IN LEASES

- Mechanics' liens, property subject to liens, **10:5**

INTERIM AGREEMENTS

- Formation of contract, **1:6**

INTERNATIONAL ARBITRATIONS

- Generally, **13:24**

INTERPLEADER

- Litigation progress, **14:23**

INTERPRETATION AND CONSTRUCTION

- Contracts, rules, **1:18 to 1:26**

INTERVENTION

- Litigation progress, **14:23**

INVALID LIENS AND REMOVAL PROCEDURES

- Mechanics' liens, **10:32**

ISSUES

- Bond Claims, this index
- Contract enforceability defenses, execution, **1:17**
- Litigation, this index
- Mechanics' liens, priority, **10:33**
- Performance and breach claims, waiver, **8:7**
- Priority issues
 - bond claims on Texas public works, **11:10**
 - mechanics' liens, **10:33**

ISSUES—Cont'd

- Public contracts, bids, **4:18 to 4:26**
- Statutes, this index
- Waiver issues
 - bond claims on Texas public works, **11:10**
 - performance and breach claims, **8:7**

JOB ORDER CONTRACTS

- Public contracts, project delivery method, **4:8**

JOINDER/CONSOLIDATION

- Arbitration procedures, **13:17**

JOINT AND SEVERAL LIABILITY

- Causation and responsibility, **9:14**

JOINT CHECK

- Payment by, **6:18**

JOINT VENTURE

- Doing construction business in Texas, forms of business, **2:6**

JURISDICTION

- Litigation, institution of suit, **14:9**

JURY AND JURY TRIAL

- Generally, **14:40, 14:41, 14:43**
- Damage calculation, jury verdict method, **8:32**
- Verdict, this index

KNOWLEDGE

- Superior knowledge, change orders and extra work, **8:13**

LANDSCAPE ARCHITECTS

- Commercial licensing/registration requirements, **2:30**
- Litigation, suits against licensed registered professionals, **14:11**

LEASES

- Bankruptcy Code, unexpired leases, **3:34**
- Mechanics' liens, lease interests, **10:5**

LEAVE

- Family and medical leave, statutes affecting commercial and residential construction, **3:19**

LETTERS

- Contract formation, letters of intent, **1:6**
- Insurance, **9:36, 9A:1**

LIABILITY

- Doing Construction Business in Texas, this index
- Insurance, insuring construction risks, **9:22 et seq.**
- Joint and several liability, causation and responsibility, **9:14**
- Residential Construction Liability Act, **3:42 to 3:44**
- Vicarious liability of general contractors, OSHA and negligence, **9:19**

LICENSING

- Doing Construction Business in Texas, this index

LIENS

- Bond Claims, this index
- Mechanics' Liens, this index
- Perfection, this index

LIFTS

- Commercial licensing/registration requirements, platform lift and chairlift work, **2:38**

LIMITATIONS, STATUTES OF

- Generally, **3:45, 3:46**

LIMITED LIABILITY COMPANY

- Doing construction business in Texas, forms of business, **2:8**

LIMITED PARTNERSHIP

- Doing construction business in Texas, forms of business, **2:5**

LIQUIDATED DAMAGES

- Delays in performance, **8:16**

LIQUIDATION AGREEMENTS

- Handling of claims between contractors, **8:36**

LITIGATION

- Generally, **14:1 to 14:48**
- Abstract, collection issues, **14:46**

INDEX

LITIGATION—Cont'd

- Alternative dispute resolution, **14:35 to 14:37**
- Answer, progress of litigation, **14:22**
- Architect defendant, institution of suit, **14:11**
- Attachment, collection issues, **14:47**
- Attorney's fees, damages, **14:33**
- Bankruptcy proof of claim, collection issues, **14:48**
- Bond Claims, this index
- Breach of contract, institution of suit, **14:13**
- Challenging unfavorable result, trial, **14:44**
- Choice of law, institution of suit, **14:10**
- Claims
 - Bond Claims, this index
 - development of claim, pre-litigation activities, **14:3**
 - pleadings, progress of litigation, **14:22**
 - proof of claim in bankruptcy, collection issues, **14:48**
- Collection issues, **14:45 to 14:48**
- Conditions precedent, pre-litigation activities, **14:7**
- Condominium complexes, institution of suit for defect or design claims, **14:12**
- Costs, damages, **14:33**
- Counterclaim, progress of litigation, **14:22**
- Cross-claim, progress of litigation, **14:22**
- Damages, **14:30 to 14:34**
- Depositions, progress of litigation, **14:28**
- Development of claim, pre-litigation activities, **14:3**
- Discovery, progress of litigation, **14:25, 14:28**
- Efforts at negotiation, pre-litigation activities, **14:3**
- Electronic data, progress of litigation, **14:26**
- Engineer defendant, institution of suit, **14:11**

LITIGATION—Cont'd

- Evidence
 - claim in bankruptcy, collection issues, **14:48**
 - progress of litigation, **14:25 to 14:28**
 - trial, **14:42**
- Execution, collection issues, **14:46**
- Exemplary damages, **14:32**
- Expedited actions for claims less than \$250,000, **14:21**
- Experts, progress of litigation, **14:27**
- Forum selection, institution of suit, **14:10**
- Fraud, institution of suit, **14:17**
- Garnishment, collection issues, **14:47**
- Gross negligence, institution of suit, **14:15**
- Inducement, fraudulent, institution of suit, **14:17**
- Institution of suit, **14:8 to 14:19**
- Insurance, forwarding suit or claim materials to carrier, **9A:2**
- Interest, damages, **14:34**
- Interpleader, progress of litigation, **14:23**
- Intervention, progress of litigation, **14:23**
- Issues
 - collection issues, **14:45 to 14:48**
 - spoliation issues, progress of litigation, **14:26**
- Jurisdiction, institution of suit, **14:9**
- Jury trial, **14:40, 14:41, 14:43**
- Lost profits, damages, **14:31**
- Mechanics' liens, foreclosure actions, **10:35**
- Mediation, alternative dispute resolution, **14:36**
- Misrepresentation, negligent, institution of suit, **14:16**
- Negligence, institution of suit, **14:15, 14:16**
- Negotiation efforts, pre-litigation activities, **14:3**
- Offer of settlement, progress of litigation, **14:29**

LITIGATION—Cont'd

Parties

- architect or engineer defendant,
institution of suit, **14:11**
- intervention and interpleader, progress of litigation, **14:23**

Pleadings, progress of litigation, **14:22**

Precedent conditions, pre-litigation activities, **14:7**

Pre-litigation activities, **14:2 to 14:7**

Progress of litigation, **14:20 to 14:29**

Project documents, pre-litigation activities, **14:4**

Proof. Evidence, above

Quantum meruit, institution of suit, **14:14**

Responsible third parties, **14:24**

Right to jury trial, **14:41**

Selection of forum, institution of suit, **14:10**

Settlement offer, progress of litigation, **14:29**

Spoliation issues, progress of litigation, **14:26**

Statutes of limitations, **3:45, 3:46**

Tape recordings, pre-litigation activities, **14:5**

Third-party claims, progress of litigation, **14:22**

Tortious interference, **14:18**

Trade secret misappropriation, **14:19**

Trial, **14:38 to 14:44**

Venue, institution of suit, **14:9**

Verdict, trial, **14:43**

Waiver of right to jury trial, **14:41**

Written statements, pre-litigation activities, **14:6**

LOCALE FOR HEARING

Arbitration procedures, **13:14**

LOGICAL AND REASONABLE INTERPRETATION

Entire contract, **1:21**

LOSS

Economic loss doctrine, insuring construction risks, **9:26**

LOST PROFITS

Litigation, damages, **14:31**

LUMP SUM

Negotiation and form of general contracts, **5:3**

MANAGERS OF CONSTRUCTION

Duties owed on construction projects, **9:6**

Public contracts, project delivery methods, **4:6, 4:7**

MANNER OR METHOD

Damage calculation methods, claims and disputes, **8:28 to 8:33**

Negotiation and form of general contract, implied warranty/duty to perform in good and workmanlike manner, **5:23**

Public contracts, methods of project delivery, **4:2 to 4:9**

Scheduling methods, delays in performance, **8:17**

MATERIALS

Bond Claims, this index

Insurance, forwarding claim materials to carrier, **9A:2**

Mechanics' liens, **10:1 et seq.**

Specially Fabricated Materials, this index

MEASURED MILE

Damage calculation method, **8:33**

MECHANICS' LIENS

Generally, **10:1 to 10:44, 10A:1 et seq.**

Abandonment of original contractor, notice, **10A:9, 10A:10**

Accrual of indebtedness of claimants, **10:8**

Affidavits

bills paid, **10:25, 10A:18, 10A:19**
completion, **10:26, 10A:20, 10A:21**

conditional bills paid affidavit, **10A:18**

derivative claim, **10A:5, 10A:6**
materialman, **10:16**

INDEX

MECHANICS' LIENS—Cont'd

Affidavits—Cont'd

notice of filing affidavit, **10:13, 10:16, 10:21, 10A:2, 10A:6**
original contractor, **10:12, 10:13, 10A:1, 10A:2, 10A:3**
perfection of lien, generally, **10:12, 10:13, 10:15, 10:20, 10:21**
retained funds, perfection of lien on, **10:20, 10:21**
unconditional bills paid affidavit, **10A:19**

Bills paid, affidavit of, **10:25, 10A:18, 10A:19**

Bonds

claims, **10:1 et seq.**
indemnify against lien, **10:29, 10A:24, 10A:25**
payment bond claim, notice of, **10A:22, 10A:23**
Property Code bond to protect owner, **10:27, 10:28**

Completion affidavit, **10:26, 10A:20, 10A:21**

Constitutional lien, **10:2**

Contractors, **10:1 et seq.**

Contracts, **10:1 et seq.**

Deadlines, holidays, **10:9**

Deadlines, weekends, **10:9**

Deadlines for notice/filing, summary, **10A:3, 10A:7**

Demand for payment to owner, **10:24**

Derivative claims

notice, **10A:4**

Derivative claimant

perfection

generally, **10:14 to 10:17**
affidavit, **10:16**
affidavit, retained funds, **10:20**
filing affidavit, notice, **10:17**
notice, **10:15**
retained funds, **10:18**
retained funds, notice, contractual retainage, **10:19**

Filing

notice of filing
affidavit, **10:13, 10:16, 10:21, 10A:2, 10A:6**

MECHANICS' LIENS—Cont'd

Filing—Cont'd

notice of filing—Cont'd
surety bond to indemnify against lien, **10A:25**
summary of filing deadlines, **10A:3**
derivative claimant, **10A:7**

Final payment

conditional waiver and release on, **10A:29**
unconditional waiver and release on, **10A:30**

Foreclosure of lien, actions and relief, **10:35**

Funds

retainage, below

Holders of liens, **10:3 to 10:5**

Homestead property, **10:4, 10:22**

Indemnify against lien, bond to, **10:29, 10A:24, 10A:25**

Information requests, **10:23, 10A:12 to 10A:27**

Interests in leases, property subject to liens, **10:5**

Invalid liens and removal procedures, **10:32**

Issues, lien priority, **10:33**

Lease interests, property subject to liens, **10:5**

Materials, **10:1 et seq.**

Notice

abandonment of original contractor, **10A:9, 10A:10**

filing, above

payment bond claim, **10A:22, 10A:23**

perfection of lien, **10:11 et seq.**

retainage of claim, derivative claimant, **10A:11**

summary of notice deadlines, **10A:3, 10A:7**

termination of original contractor, **10A:9, 10A:10**

Original contractor, **10:7 et seq.**

Owners

demand for payment to owner, **10:24**

MECHANICS' LIENS—Cont'd

Owners—Cont'd

notice of termination/abandonment
of original contractor, **10A:10**

Property Code bond to protect
owner, **10:27, 10:28**

request to owner
information, **10A:12**
notification of termination/
abandonment of original
contractor, **10A:9**

response to request for informa-
tion, **10A:13**

Payment

affidavit of bills paid, **10:25,**
10A:18, 10A:19

demand for payment to owner,
10:24

final payment, above
notice of payment bond claim,
10A:22, 10A:23

progress payment, below

Perfection

bond claims, Property Code bond
to protect owner, **10:28**

lien, **10:10 to 10:28**

Preference lien on removable
improvements, **10:34**

Priority issues, **10:33**

Private retainage agreement, **10A:8**

Procedures for removal of invalid
liens, **10:32**

Progress payment

conditional waiver and release on,
10A:27

unconditional waiver and release
on, **10A:28**

Prompt payment, demand for pay-
ment to owner, **10:24**

Property, **10:1 et seq.**

Protection

original contractor's protections
from lien claimants, **10:30**

Property Code bond to protect
owner, **10:27, 10:28**

Release

final payment, above
lien, **10:31, 10A:26**

lien rights, **10:31**

MECHANICS' LIENS—Cont'd

Release—Cont'd

progress payment, above

Relief, lien foreclosure, **10:35**

Removable improvements, prefer-
ence lien on, **10:34**

Removal of invalid liens, **10:32**

Requests

affidavit of completion, **10A:20**
information, **10:23, 10A:12 to**
10A:17

owners, above

Response to request for information,
10A:13, 10A:15, 10A:17

Retainage

agreement, **10A:8**

perfection of lien on retained
funds, **10:18 to 10:21**

statutory reserved funds, **10:6**

Rights

release of lien rights, **10:31**

request information, **10:23**

waiver of lien rights, **10:36**

Special requirements for liens on
homestead properties, **10:22**

Statutes, **10:1 et seq.**

Subcontractors, **10:1 et seq.**

Sub-subcontractors, **10:1 et seq.**

Summary of notice/filing deadlines,
10A:3, 10A:7

Surety bond to indemnify against
lien, **10A:24, 10A:25**

Termination of original contractor,
notice, **10A:9, 10A:10**

Types of claimants, **10:7 to 10:9**

Waiver

final payment, above

lien rights, **10:36**

progress payment, above

MEDIATION

Litigation, **14:36**

Negotiation and form of subcontracts,
6:8

MEDICAL AND FAMILY LEAVE

Statutes affecting commercial and
residential construction,
workplace issues, **3:19**

INDEX

MEETINGS

Public contracts, open meetings, **4:35**

METHOD

Manner or Method, this index

MILLER ACT

Bond claims on federal projects, **12:1 et seq.**

MINORITY BUSINESS

ENTERPRISE

Doing construction business in Texas, **2:12**

MISREPRESENTATION

Contract enforceability defenses, **1:11**

Litigation, institution of suit, **14:16**

MISTAKE OR ERROR

Contracts, this index

MODIFIED TOTAL COST

METHOD

Damage calculation, **8:30**

MOLD

ASSESSMENT/REMEDiation CONTRACTORS

Commercial licensing/registration requirements, **2:34**

MULTI-EMPLOYER DOCTRINE

OSHA and negligence, **9:18**

MUNICIPALITIES

Public contracts, bidding requirements, **4:13**

MUTUAL ASSENT

Contract formation, **1:3**

MUTUAL RIGHTS AND RESPONSIBILITIES

Negotiation and form of subcontracts, **6:4**

NAVIGATION DISTRICTS

Public contracts, bidding requirements, **4:17**

NEGLIGENCE

Generally, **9:1 et seq.**

NEGLIGENCE—Cont'd

Duties owed on construction projects, **9:7 et seq.**

Express negligence doctrine, indemnification, **8:38**

Litigation, institution of suit, **14:15, 14:16**

OSHA, **9:17 to 9:20**

NEGOTIATION AND FORM

Acceptance of goods, purchase orders/supply contracts, **7:9, 7:10**

Administration of general contract, **5:10**

AIA. American Institute of Architects documents, below

American Institute of Architects documents

claims and disputes, **5:21**

general contract, **5:6 to 5:21, 5A:1**

subcontracts, **6:2 to 6:17**

Applicability of Texas Business and Commerce Code, purchase orders/supply contracts, **7:2 to 7:4**

Arbitration, subcontracts, **6:8**

Assignment, subcontracts, **6:9**

Bonds

general contract, **5:17**

subcontracts, **6:15**

Changes in work

general contract, **5:13**

subcontracts, **6:7**

Commencement, subcontracts, **6:11**

Completion

general contract, **5:15**

subcontracts, **6:11**

Conditions, general contract, **5:6 to 5:25**

Contractors

general contract, **5:9, 5:12**

subcontractors, below

subcontracts, **6:5**

Contracts

general contract, **5:1 to 5:25, 5A:1**

subcontracts, **6:1 to 6:18**

supply contracts, **7:1 to 7:14**

NEGOTIATION AND FORM

—Cont'd

- Correction of work, general contract, **5:18**
- Cost-plus, selection of type and form of general contract, **5:4**
- Course of dealing, purchase orders/supply contracts, **7:4**
- Course of performance, purchase orders/supply contracts, **7:4**
- Damages, purchase orders/supply contracts, **7:13**
- Deal points, purchase orders/supply contracts, **7:12**
- Delivery of goods, purchase orders/supply contracts, **7:9, 7:10**
- Developer's implied warranty, general contract, **5:25**
- Disclaimers of warranties, purchase orders/supply contracts, **7:8**
- Documents
 - American Institute of Architects documents, above
 - implied duty to provide correct design documents, general contract, **5:24**
- Doing construction business in Texas, forms of business, **2:2 to 2:8**
- Duties and responsibilities
 - good faith duty, purchase orders/supply contracts, **7:3**
 - implied duties, general contract, **5:22 to 5:25**
 - mutual responsibilities, subcontracts, **6:4**
- Enumeration of subcontract, **6:17**
- Express warranties, purchase orders/supply contracts, **7:6**
- Final payment, subcontracts, **6:14**
- General conditions, general contract, **5:6 to 5:21**
- General contract, **5:1 to 5:25, 5A:1**
- Good faith duty, purchase orders/supply contracts, **7:3**
- Goods delivery, acceptance or rejection, purchase orders/supply contracts, **7:9, 7:10**
- Implied
 - conditions and duties, general contract, **5:22 to 5:25**

NEGOTIATION AND FORM

—Cont'd

- Implied—Cont'd
 - warranties. Implied warranties, below
- Implied warranties
 - general contract, **5:22 to 5:25**
 - purchase orders/supply contracts, **7:7**
- Inspection of goods, purchase orders/supply contracts, **7:10**
- Insurance
 - general contract, **5:17**
 - subcontracts, **6:15**
- Joint check, payment by, **6:18**
- Lump sum, selection of type and form of general contract, **5:3**
- Mediation, subcontracts, **6:8**
- Mutual rights and responsibilities, subcontracts, **6:4**
- Owner, general contract, **5:8, 5:12**
- Payment
 - general contract, **5:15**
 - subcontracts, **6:13, 6:14**
- Payment by joint check, **6:18**
- Performance
 - course of performance, purchase orders/supply contracts, **7:4**
 - implied warranty/duty to perform in good and workmanlike manner, general contract, **5:23**
- Pre-litigation activities, negotiation efforts, **14:3**
- Progress payments, subcontracts, **6:13**
- Property protection, general contract, **5:16**
- Protection of persons and property, general contract, **5:16**
- Purchase orders, **7:1 to 7:14**
- Rejection of goods, purchase orders/supply contracts, **7:9, 7:10**
- Remedies, purchase orders/supply contracts, **7:13**
- Responsibilities. Duties and responsibilities, above
- Revocation of acceptance of goods, purchase orders/supply contracts, **7:10**

INDEX

NEGOTIATION AND FORM

—Cont'd

Selection of type and form of general contract, **5:2 to 5:5**

Separate contractors, general contract, **5:12**

Subcontractors
general contract, **5:11**
subcontracts, **6:6**

Subcontracts, **6:1 to 6:18**

Substantial completion, subcontracts, **6:11**

Sum

lump sum, selection of type and form of general contract, **5:3**
subcontracts, **6:12**

Supply contracts, **7:1 to 7:14**

Suspension

general contract, **5:20**
subcontracts, **6:9**

Termination

general contract, **5:20**
subcontracts, **6:9**

Terms, purchase orders/supply contracts, **7:11, 7:12**

Texas Business and Commerce Code,
purchase orders/supply contracts, **7:2 to 7:4**

Time, general contract, **5:14**

Trade usage, purchase orders/supply contracts, **7:4**

Type of general contract, selection, **5:2 to 5:5**

Uncovering work, general contract, **5:18**

Unit price, selection of type and form of general contract, **5:5**

Usage of trade, purchase orders/supply contracts, **7:4**

Warranties

implied warranties, above
purchase orders/supply contracts, **7:5 to 7:8**

Work

changes in work, above
general contract, **5:13, 5:18**
subcontracts, **6:7, 6:10 et seq.**

NO DAMAGES FOR DELAY CLAUSE

Delays in performance, **8:18**

NO GENERAL CONTRACTOR LICENSE

Commercial licensing/registration requirements, **2:25**

NONCOMPETITION COVENANT

Doing construction business in Texas,
business and contractual relations and competition, **2:23**

NONDISCLOSURE COVENANT

Doing construction business in Texas,
business and contractual relations and competition, **2:23**

NONRESIDENTS

Public Contracts, this index

NONSOLICITATION COVENANT

Doing construction business in Texas,
business and contractual relations and competition, **2:23**

NOTICE

Bond Claims, this index

Default, **8:23**

Insurance claim, **9:34, 9A:1**

Mechanics' liens, derivative claimant,
perfection, **10:15**

Mechanics' Liens, this index

Performance and breach claims, **8:6**

Second Month Notice, this index

Specially Fabricated Materials, this index

Third Month Notice, this index

NUISANCE

Attractive nuisance, duties owed on construction projects, **9:10**

OCCUPATIONAL SAFETY AND HEALTH

Negligence, **9:17 to 9:20**

Statutes affecting commercial and residential construction, **3:7**

OCCURRENCE

Insuring construction risks, **9:23**

OFFER OF SETTLEMENT

Litigation progress, **14:29**

OPEN MEETINGS

Public contracts, **4:35**

ORAL CONTRACTS

Defenses to contract enforceability,
1:16

ORDERS

Change orders, claims and disputes,
8:8 to 8:13

Negotiation and form of purchase
orders, **7:1 to 7:14**

Public contracts, job order contracts
as project delivery method, **4:8**

ORIGINAL CONTRACTOR

Mechanics' liens, **10:7 et seq.**

OSH

Occupational Safety and Health, this
index

OTHER STATES

Texas companies doing business in,
2:45

OWNERS

Duties owed on construction projects,
9:3

Mechanics' Liens, this index

Negotiation and form of general
contracts, **5:8, 5:12**

PAROL EVIDENCE RULE

Contract construction, **1:19**

PARTIAL MATTERS

Oral contracts, defenses to contract
enforceability, **1:16**

PARTIES

Contract construction, intent of par-
ties, **1:20**

Litigation, this index

Third Parties, this index

PARTNERSHIP

Doing construction business in Texas,
forms of business, **2:4, 2:5**

PASS-THROUGH

Handling of claims between contrac-
tors, **8:35**

PAYMENT

Bond Claims, this index

Bonds. Payment Bonds, this index

Doing construction business in Texas,
piercing corporate veil for fail-
ure to pay corporate franchise
taxes, **2:18**

Joint check, payment by, **6:18**

Mechanics' Liens, this index

Negotiation and Form, this index

Prompt Payment, this index

Public Contracts, this index

Statutes affecting commercial and
residential construction, **3:25 to
3:30**

Withholding of payment, claims and
disputes, **8:19 to 8:21**

PAYMENT BONDS

Claims. Bond Claims, this index

Public contracts, **4:29**

PERFECTION

Claims. Bond Claims, this index

Liens

bond claims on Texas public
works, **11:3**

mechanics' liens, **10:10 to 10:28**

Mechanics' Liens, this index

PERFORMANCE

Bonds, public contracts, **4:29**

Claims of performance, **8:2 to 8:7**

Course of Performance, this index

Delays in performance, claims and
disputes, **8:14 to 8:18**

Negotiation and Form, this index

PERMITS

Commercial building codes/
regulations, **3:3**

PERPETRATE FRAUD

Doing construction business in Texas,
piercing corporate veil for sham
to perpetrate fraud, **2:15**

INDEX

PER SE NEGLIGENCE

Duties owed on construction projects,
9:8

PIERCING CORPORATE VEIL

Doing construction business in Texas,
2:14 to 2:18

PLANS AND SPECIFICATIONS

Defective plans and specifications,
change orders and extra work,
8:11

PLATFORM LIFT WORK

Commercial licensing/registration
requirements, **2:38**

PLEADINGS

Answers, this index
Litigation progress, **14:22**

PLUMBERS

Commercial licensing/registration
requirements, **2:31**

PORT AUTHORITIES

Public contracts, bidding require-
ments, **4:17**

PRACTICES

Deceptive trade practices, Consumer
Protection Act, **3:38 to 3:40**

PRECEDENT CONDITIONS

Pre-litigation activities, **14:7**

PREFERENCE LIEN ON REMOVABLE IMPROVEMENTS

Mechanics' lien, **10:34**

PRE-HEARING MATTERS

Arbitration procedures, **13:16**

PRE-LITIGATION ACTIVITIES

Generally, **14:2 to 14:7**

PREPARATION OF BID

Public contracts, **4:19**

PREVAILING WAGE RATE

Public contracts, **4:32**

PREVENTION DOCTRINE

Withholding of payment, **8:20**

PRICE

Negotiation and form of general
contract, unit price, **5:5**

PRIME CONTRACTS

Bond claims on Texas public works,
11:1 et seq.

PRINTED TERMS

Contract construction, written terms
over printed terms, **1:26**

PRIOR DEALINGS

Contract construction, **1:24**

PRIORITY ISSUES

Issues, this index

PRIVATE RETAINAGE AGREEMENT

Mechanics' liens, **10A:8**

PROCEDURES

Arbitration, **13:12 to 13:18**

Insurance claims, **9:33 to 9:38**

Mechanics' liens, removal of invalid
liens, **10:32**

PROCEEDINGS AND ACTIONS

Litigation, this index

PROFESSIONALS

Design Professionals, this index

Doing construction business in Texas,
professional employer services,
2:26

PROFITS

Litigation, lost profits as damages,
14:31

PROGRESS OF LITIGATION

Generally, **14:20 to 14:29**

PROGRESS PAYMENTS

Mechanic's Liens, this index

Negotiation and form of subcontracts,
6:13

PROJECT LABOR AGREEMENTS

Generally, **3:23**

PROJECTS

Bond claims on federal projects, **12:1
to 12:7, 12A:1, 12A:2**

PROJECTS—Cont'd

- Completion of project, claims and disputes, **8:25 to 8:27**
- Duties owed on construction projects, **9:2 to 9:10**
- Pre-litigation activities, project documents, **14:4**
- Public contracts, project delivery methods, **4:2 to 4:9**

PROMISSORY ESTOPPEL

- Contracts, **1:29, 1:30, 4:24**

PROMPT PAYMENT

- Mechanics' liens, demand for payment to owner, **10:24**
- Public contracts, **4:30**
- Statutes affecting commercial and residential construction, **3:26**

PROOF

- Evidence, this index

PROPERTY

- Mechanics' liens, **10:1 et seq.**
- Negotiation and form of general contracts, protection, **5:16**

PROPORTIONATE RESPONSIBILITY

- Generally, **9:13**

PROPOSALS

- Public contracts, competitive sealed proposals as project delivery method, **4:4**

PROTECTION

- Commercial licensing/registration requirements, fire protection sprinkler systems, **2:40**
- Consumer Protection Act, **3:38 to 3:40**
- Mechanics' Liens, this index
- Negotiation and form of general contracts, protection of persons and property, **5:16**

PROTEST

- Public contracts, bid issues, **4:21**

PROVIDE CORRECT DESIGN DOCUMENTS

- Negotiation and form of general contract, implied duty, **5:24**

PROXIMATE CAUSE

- Generally, **9:12**

PUBLIC CONTRACTS

- Generally, **4:1 to 4:36**
- Authorities, bidding requirements for specific entities, **4:15 to 4:17**
- Bids and bidding
 - competitive bidding as traditional project delivery method, **4:3**
 - issues, **4:18 to 4:26**
 - requirements for specific entities, **4:10 to 4:17**
- Bonds
 - bid bonds, **4:23**
 - payment bonds, contracting with public body, **4:29**
 - performance bonds, contracting with public body, **4:29**
- Certificate of interested parties, **4:26**
- Competitive
 - bidding, traditional project delivery method, **4:3**
 - sealed proposals, project delivery methods, **4:4**
- Construction manager-agent, project delivery method, **4:6**
- Construction manager-at-risk, project delivery method, **4:7**
- Contingent fees, approval, **4:39**
- Corrections, bid issues, **4:20**
- Counties, bidding requirements, **4:12**
- Defense base development authorities, bidding requirements, **4:16**
- Design-build, project delivery method, **4:5**
- Districts, bidding requirements, **4:14, 4:17**
- Gifts, disclosure of, **4:28**
- Indemnification clauses, contracting with public body, **4:33**
- Institutions of higher education, bidding requirements, **4:14**
- Insurance requirements, contracting with public body, **4:33**

INDEX

PUBLIC CONTRACTS—Cont'd

- Issues, bids, **4:18 to 4:26**
- Job order contracts, project delivery method, **4:8**
- Litigation of public contract claims, **4:40**
- Managers, project delivery methods, **4:6, 4:7**
- Methods of project delivery, **4:2 to 4:9**
- Mistakes, bid issues, **4:20**
- Municipalities, bidding requirements, **4:13**
- Navigation districts, bidding requirements, **4:17**
- Nonresidents
 - bid issues, **4:25**
- Open meetings, contracting with public body, **4:35**
- Payment
 - bonds, contracting with public body, **4:29**
 - prompt payment, contracting with public body, **4:30**
- Performance bonds, contracting with public body, **4:29**
- Port authorities, bidding requirements, **4:17**
- Preparation of bid, **4:19**
- Prevailing wage rate, contracting with public body, **4:32**
- Project delivery methods, **4:2 to 4:9**
- Promissory estoppel, bid issues, **4:24**
- Prompt payment, contracting with public body, **4:30**
- Protest, bid issues, **4:21**
- Public information, contracting with public body, **4:35**
- Retainage, contracting with public body, **4:31**
- Right to repair, contracting with public body, **4:38**
- River authorities, bidding requirements, **4:15**
- School districts, bidding requirements, **4:14**
- School projects, contracting with public body, **4:37**

PUBLIC CONTRACTS—Cont'd

- Sovereign immunity, contracting with public body, **4:34**
- State agencies, bidding requirements, **4:11**
- Subcontractors, bid issues, **4:22**
- Third party claims, **4:36**
- Traditional project delivery method, **4:3**

PUBLIC INFORMATION

- Public contracts, **4:35**

PUBLIC WORKS

- Bond claims on Texas public works, **11:1 to 11:10, 11A:1 to 11A:7**

PUNITIVE DAMAGES

- Litigation, **14:32**

PURCHASE ORDERS

- Negotiation and form, **7:1 to 7:14**

PURPOSE OF MILLER ACT

- Bond claims on federal projects, **12:2**

QUANTUM MERUIT

- Implied contracts, **1:28**
- Litigation, institution of suit, **14:14**

RATE

- Public contracts, prevailing wage rate, **4:32**

REASONABLE AND LOGICAL INTERPRETATION

- Entire contract, **1:21**

RECORDINGS

- Pre-litigation activities, tape recordings, **14:5**

REFERENCE, INCORPORATION BY

- Arbitration, sureties and third parties, **13:8**

REGISTRATION

- Doing Construction Business in Texas, this index

REGULATIONS

- Commercial building regulations, **3:2 to 3:5**

REJECTION OF GOODS

Negotiation and form of purchase orders/supply contracts, **7:9, 7:10**

RELEASE

Mechanics' Liens, this index

RELIEF

Remedies or Relief, this index

REMEDICATION OF DISASTERS

Generally, **3:41**

REMEDICATION OF MOLD CONTRACTORS

Commercial licensing/registration requirements, **2:34**

REMEDIES OR RELIEF

Claims of performance and breach, **8:5**

Consumer Protection Act, **3:39**

Damages, this index

Mechanics' liens, foreclosure, **10:35**

Negotiation and form of purchase orders/supply contracts, **7:13**

Quantum Meruit, this index

REMOVABLE IMPROVEMENTS

Mechanics' liens, preference lien, **10:34**

REMOVAL OF INVALID LIENS

Mechanics' liens, **10:32**

REPOSE, STATUTE OF

Generally, **3:47**

REQUESTS

Mechanics' Liens, this index

RESERVATION OF RIGHTS LETTERS/AGREEMENTS

Insurance, claims procedures, **9:36**

RESIDENTIAL CONSTRUCTION

Statutes affecting, **3:1 to 3:47**

RESIDENTIAL LICENSING/REGISTRATION REQUIREMENTS

Doing construction business in Texas, **2:46, 2:47**

RES JUDICATA

Arbitration, enforcing/vacating of award, **13:22**

RESOLUTION OF DISPUTES

Disputes and Resolution of Disputes, this index

RESPONDEAT SUPERIOR

Duties owed on construction projects, **9:9**

RESPONSE TO REQUEST FOR INFORMATION

Mechanics' liens, **10A:13, 10A:15, 10A:17**

RESPONSIBILITIES

Duties and Responsibilities, this index

RETAINAGE

Bond claims on Texas public works, notice of claim for payment, **11A:4**

Mechanics' Liens, this index

Public contracts, **4:31**

Withholding of payment, **8:21**

REVOCAION OF ACCEPTANCE OF GOODS

Negotiation and form of purchase orders/supply contracts, **7:10**

RIGHTS

Arbitration, waiver of right, **13:9**

Bond claims on Texas public works, rights to information, **11:9**

Insurance, this index

Jury trial, **14:41**

Mechanics' Liens, this index

Negotiation and form of subcontracts, mutual rights, **6:4**

OSHA and negligence, right to control, **9:20**

Performance and breach claims, **8:5**

Waiver of rights

arbitration, **13:9**

jury trial, **14:41**

mechanic's liens, **10:36**

RIGHT TO REPAIR

Public contracts, **4:38**

INDEX

RISK OR RISKS

- Insuring construction risks, **9:21 to 9:32**
- Public contracts, construction manager-at-risk project delivery method, **4:7**

RIVER AUTHORITIES

- Public contracts, bidding requirements, **4:15**

ROLE OF SURETY

- Completion of project, **8:27**

RULES

- Contract construction, **1:18 to 1:26**

SAFETY

- Occupational Safety and Health, this index
- Statutes affecting commercial and residential construction, **3:6 to 3:9**

SALES TAXES

- Statutes affecting commercial and residential construction, **3:12**

SATISFACTION CLAUSE

- Claims of performance and breach, **8:4**

SCHEDULING METHODS

- Delays in performance, **8:17**

SCHOOLS

- Criminal background checks on school projects, **3:18**
- Projects, contracting with a public body, **4:37**
- Public contracts, bidding requirements, **4:14**

SCOPE

- Arbitration clause, **13:3**
- Miller Act, bond claims on federal projects, **12:2**

SEALED PROPOSALS

- Public contracts, competitive sealed proposals as project delivery method, **4:4**

SECOND MONTH NOTICE

- Bond claims on Texas public works, **11A:5**

SECOND TIER

- Bond Claims, this index

SECURED TRANSACTIONS

- Statutes affecting commercial and residential construction, payment, **3:29**

SELECTION

- Arbitrator, **13:15**
- Forum, institution of suit, **14:10**
- Negotiation and form of general contracts, selection of type and form of contract, **5:2 to 5:5**

SELF-ADMINISTERED ARBITRATIONS

- Generally, **13:11**

SEPARATE CONTRACTORS

- Negotiation and form of general contracts, **5:12**

SERVICE CONTRACTS

- Residential licensing/registration requirements, **2:47**

SETTLEMENT OFFER

- Litigation progress, **14:29**

SHAM TO PERPETRATE FRAUD

- Doing construction business in Texas, piercing corporate veil, **2:15**

SINGLE BUSINESS ENTERPRISE

- Doing construction business in Texas, piercing corporate veil, **2:17**

SITE

- Differing site conditions, change orders and extra work, **8:9**

SMOKE DETECTORS

- Commercial licensing/registration requirements, **2:42**

SOLE PROPRIETORSHIP

- Doing construction business in Texas, forms of business, **2:3**

SOVEREIGN IMMUNITY

Public contracts, **4:34**

SPECIALLY FABRICATED MATERIALS

Bond claims on Texas public works, **11A:6**

Notice
bond claims on Texas public works, **11A:6**

SPECIFICATIONS AND PLANS

Defective plans and specifications, change orders and extra work, **8:11**

SPECIFIC TERMS OVER GENERAL TERMS

Contract construction, **1:26**

SPOILIATION ISSUES

Litigation progress, **14:26**

SPRINKLER SYSTEMS

Commercial licensing/registration requirements, fire protection sprinkler systems, **2:40**

STANDARD CLAUSES

Arbitration, **13:1 to 13:3**

STATE

Bond claims on Texas public works, **11:1 to 11:10, 11A:1 to 11A:7**
Doing Construction Business in Texas, this index
Public contracts, bidding requirements for state agencies, **4:11**

STATEMENTS

Arbitration procedures, answering statement, **13:13**
Pre-litigation activities, written statements, **14:6**

STATUTE OF FRAUDS

Contract enforceability defenses, **1:15**

STATUTE OF LIMITATIONS

Generally, **3:45, 3:46**

STATUTE OF REPOSE

Generally, **3:47**

STATUTES

Accessibility for disabled persons, commercial building codes/regulations, **3:5**
Affecting commercial and residential construction, **3:1 to 3:47**
Alcohol and drug testing, workplace issues, **3:16**
Anti-discrimination statutes, workplace issues, **3:21**
Arbitration, **13:5 et seq.**
Automatic stay, Bankruptcy Code, **3:33**
Bankruptcy Code, **3:31 to 3:37**
Benefits, workplace issues, **3:22**
Carriers, **3:10**
Chapters 7, 11 and 13, Bankruptcy Code, **3:32**
Codes, this index
Commercial construction, statutes affecting, **3:1 to 3:47**
Construction Trust Fund Act, payment, **3:28**
Consumer Protection Act, deceptive trade practices, **3:38 to 3:40**
Contingent payment, **3:27**
Contracts, this index
Criminal background checks on school projects, **3:18**
Criminal records of employees, **3:17**
Deceptive trade practices, Consumer Protection Act, **3:38 to 3:40**
Development, commercial building regulations, **3:4**
Disabled person accessibility, commercial building codes/regulations, **3:5**
Disaster remediation contracts, **3:41**
Discovery rule, statutes of limitations, **3:45, 3:46**
Drug and alcohol testing, workplace issues, **3:16**
Equipment, **3:10**
Executory contracts, Bankruptcy Code, **3:34**
Express warranties, Consumer Protection Act, **3:40**
Family and medical leave, workplace issues, **3:19**

INDEX

STATUTES—Cont'd

- Federal regulations, **3:49**
- FICA taxes, **3:14**
- Immigration, workplace issues, **3:24**
- Implied warranties, Consumer Protection Act, **3:40**
- Independent contractor recharacterization under the FLSA, **3:30**
- Issues
 - workplace issues, **3:15 to 3:24**
- Liability, Residential Construction Liability Act, **3:42 to 3:44**
- Limitations, statutes of, **3:45, 3:46**
- Mechanics' liens, **10:1 et seq.**
- Medical and family leave, workplace issues, **3:19**
- Miller Act, bond claims on federal projects, **12:1 et seq.**
- OSH Act, safety laws, **3:7**
- Payment, **3:25 to 3:30**
- Permits, commercial building codes/regulations, **3:3**
- Project labor agreements, **3:23**
- Prompt payment, **3:26**
- Protection, Consumer Protection Act, **3:38 to 3:40**
- Relief for consumers, Consumer Protection Act, **3:39**
- Repose, statute of, **3:47**
- Residential construction, statutes affecting, **3:1 to 3:47**
- Safety laws, **3:6 to 3:9**
- Sales taxes, **3:12**
- Secured transactions, payment, **3:29**
- Subdivisions, commercial building regulations, **3:4**
- Taxes, **3:11 to 3:14**
- Testing for drugs and alcohol, workplace issues, **3:16**
- Texas Citizens Participation Act, **3:48**
- Texas Residential Construction Commission, Residential Construction Liability Act, **3:43**
- Trade practices that are deceptive, Consumer Protection Act, **3:38 to 3:40**
- Underground utilities and gas lines, **3:8**

STATUTES—Cont'd

- Unemployment taxes and insurance, **3:13**
- Unexpired leases, Bankruptcy Code, **3:34**
- Wages, workplace issues, **3:22**
- Warranties
 - Consumer Protection Act, deceptive trade practices, **3:40**
 - Residential Construction Liability Act, **3:44**
- Withholding taxes, **3:14**
- Workers' compensation, workplace issues, **3:20**
- Workplace issues, **3:15 to 3:24**
- Zoning, commercial building regulations, **3:4**

STAY

- Automatic stay, Bankruptcy Code, **3:33**

STORAGE TANK

- Commercial licensing/registration requirements, underground storage tank contractor, **2:36**

STOWERS DOCTRINE

- Insurance, claims procedures, **9:37**

SUBCONTRACTORS

- Mechanics' liens, **10:1 et seq.**
- Negotiation and Form, this index
- Public contracts, bid issues, **4:22**

SUBCONTRACTS

- Negotiation and form, **6:1 to 6:18**

SUBDIVISIONS

- Commercial building regulations, **3:4**

SUBROGATION RIGHTS AND WAIVERS

- Insurance, claims procedures, **9:38**

SUBSTANTIAL COMPLETION

- Negotiation and form of subcontracts, **6:11**

SUBSTANTIAL PERFORMANCE

- Claims of performance and breach, **8:3**

SUB-SUBCONTRACTORS

Mechanics' liens, **10:1 et seq.**

SUM

Negotiation and Form, this index

SUMMARIES

Bond claims on Texas public works, summary of notice requirements, **11A:3, 11A:7**

Mechanics' liens, summary of notice/filing deadlines, **10A:3, 10A:7**

SUPERIOR KNOWLEDGE

Change orders and extra work, **8:13**

SUPPLY CONTRACTS

Negotiation and form, **7:1 to 7:14**

SURETIES

Arbitration, incorporation by reference, **13:8**

Completion of project, role of surety, **8:27**

Mechanics' liens, surety bond to indemnify against, **10A:24, 10A:25**

SUSPENSION

Negotiation and Form, this index

SYSTEMS

Commercial licensing/registration requirements, fire protection sprinkler systems, **2:40**

TANKS

Commercial licensing/registration requirements, underground storage tank contractor, **2:36**

TAPE RECORDINGS

Pre-litigation activities, **14:5**

TAXES

Classification of workers for federal payroll tax purposes, **2:19**

Doing construction business in Texas, piercing corporate veil for failure to pay corporate franchise taxes, **2:18**

Statutes affecting commercial and residential construction, **3:11 to 3:14**

TERMINATION

Default, **8:24**

Mechanics' liens, original contractor, **10A:9, 10A:10**

Negotiation and Form, this index

TERMS

Contract construction, **1:26**

Negotiation and form of purchase orders/supply contracts, **7:11, 7:12**

TESTING FOR DRUGS AND ALCOHOL

Statutes affecting commercial and residential construction, workplace issues, **3:16**

TEXAS BUSINESS AND COMMERCE CODE

Contract formation, **1:5**

Negotiation and form of purchase orders/supply contracts, **7:2 to 7:4**

TEXAS CITIZENS PARTICIPATION ACT

Statutes, **3:48**

TEXAS PUBLIC WORKS

Bond claims on, **11:1 to 11:10, 11A:1 to 11A:7**

TEXAS RESIDENTIAL CONSTRUCTION COMMISSION

Residential Construction Liability Act, **3:43**

THEORIES OF NEGLIGENCE

Duties owed on construction projects, **9:7**

THIRD MONTH NOTICE

Bond claims on Texas public works, **11A:2**

THIRD PARTIES

Arbitration, incorporation by reference, **13:8**

Contract construction, third-party beneficiary, **1:22**

INDEX

THIRD PARTIES—Cont'd

- Litigation, responsible third parties, **14:24**
- Litigation progress, third-party claims, **14:22**
- Public contracts, **4:36**
- Responsible third parties, **9:13**

TIME OR DATE

- Delay or Delays, this index
- Negotiation and form of general contracts, **5:14**
- Prompt Payment, this index
- Statutes of limitations, **3:45, 3:46**

TORTIOUS INTERFERENCE

- Institution of suit, **14:18**

TOTAL COST METHOD

- Damage calculation, **8:29, 8:30**

TRADE

- Deceptive trade practices, Consumer Protection Act, **3:38 to 3:40**
- Usage, negotiation and form of purchase orders/supply contracts, **7:4**

TRADE SECRETS

- Misappropriation, institution of suit, **14:19**

TRADITIONAL PROJECT DELIVERY METHOD

- Public contracts, **4:3**

TRIAL

- Jury and Jury Trial, this index
- Litigation, **14:38 to 14:44**

TRUST FUND

- Construction Trust Fund Act, payment, **3:28**

UMBRELLA EXCESS LIABILITY

- Insuring construction risks, **9:32**

UNCONSCIONABILITY

- Contract enforceability defenses, **1:14**

UNCOVERING WORK

- Negotiation and form of general contracts, **5:18**

UNDERGROUND STORAGE TANK CONTRACTOR

- Commercial licensing/registration requirements, **2:36**

UNDERGROUND UTILITIES

- Statutes, **3:8**

UNDERUTILIZED BUSINESS HISTORICALLY

- Doing construction business in Texas, business enterprises, **2:10**

UNDUE INFLUENCE

- Contract enforceability defenses, **1:13**

UNEMPLOYMENT TAXES AND INSURANCE

- Statutes affecting commercial and residential construction, **3:13**

UNEXPIRED LEASES

- Bankruptcy Code, **3:34**

UNFAVORABLE RESULT CHALLENGE

- Trial, **14:44**

UNIT PRICE

- Negotiation and form of general contracts, **5:5**

USAGE

- Contract construction, custom and usage, **1:25**
- Negotiation and form of purchase orders/supply contracts, trade usage, **7:4**

VACATION OF ARBITRATION AWARD

- Generally, **13:19 to 13:23**

VENUE

- Litigation, institution of suit, **14:9**

VERDICT

- Damage calculation, jury verdict method, **8:32**
- Trial, **14:43**

VICARIOUS LIABILITY OF GENERAL CONTRACTORS

- OSHA and negligence, **9:19**

WAGES

- Public contracts, prevailing wage rate, **4:32**
- Statutes affecting commercial and residential construction, workplace issues, **3:22**

WAIVER

- Insurance, claims procedures, **9:38**
- Issues, this index
- Rights, this index

WARRANTIES

- Express Warranties, this index
- Implied Warranties, this index
- Negotiation and Form, this index
- Statutes, this index

WEEKENDS

- Deadlines, mechanics' liens, **10:9**

WITHHOLDING

- Payment, claims and disputes, **8:19 to 8:21**
- Taxes, statutes affecting commercial and residential construction, **3:14**

WOMAN BUSINESS ENTERPRISE

- Doing construction business in Texas, **2:13**

WORK

- Doing construction business in Texas, **2:1 et seq.**

WORK—Cont'd

- Extra work, claims and disputes, **8:8 to 8:13**
- Insuring construction risks, defective work, **9:27**
- Negotiation and Form, this index
- Statutes affecting commercial and residential construction, workplace issues, **3:15 to 3:24**

WORKERS' COMPENSATION

- Insuring construction risks, **9:29**
- Statutes affecting commercial and residential construction, workplace issues, **3:20**

WORKMANLIKE MANNER

- Negotiation and form of general contract, implied warranty/duty to perform in good and workmanlike manner, **5:23**

WORKPLACE ISSUES

- Statutes affecting commercial and residential construction, **3:15 to 3:24**

WRITTEN

- Contract construction, written terms over printed terms, **1:26**
- Pre-litigation activities, written statements, **14:6**

ZONING

- Commercial building regulations, **3:4**