

Index

ACCEPTANCE

- Formation of Contract, this index
- Interpretation of contract provisions, qualified acceptance and the “workmanlike manner” requirement, **5:2**

ACTIO DE IN REM VERSO

- Interpretation of contract provisions, change orders, **5:10**

ADDITIONAL COST CLAIMS

- Changed conditions, differing site conditions, **6:2**

ADJACENT PROPERTY

- Liens, notice requirements under old Private Works Act, **12:19**

ADMISSIBILITY OF DOCUMENT EVIDENCE

- Litigation, this index

AFFIDAVITS

- Labor and material’s lien and statement of claim in affidavit form, **App. 8**
- “No work” affidavit, Louisiana lien and privilege law, **12:29**

ALIENS

- Immigration statutes, impact on construction industry, **10:9**

AMERICAN ARBITRATION ASSOCIATION (AAA)

- Arbitration, **14:1, 14:4, 14:7**

ANTICIPATORY BREACH

- Performance of construction contracts, **8:16**

APPEALS

- Armed Services Board of Contract Appeals (ASBCA), contracting with federal agencies, **17:3**
- Board of contract appeals and court of claims actions, discovery in, **15:14**

ARBITRATION

- Generally, **14:1 to 14:7**
- Advantages, **14:5**
- American Arbitration Association (AAA), **14:1, 14:4, 14:7**
- Disadvantages, **14:6**
- Federal Arbitration Act, **14:3**
- Initiation of arbitration, steps and procedures, **14:4**
- Louisiana Arbitration Act, **14:2**
- Non-signatories, effect of on arbitration, **14:7**
- Notice of intention to arbitrate, **14:4**
- Private arbitration contract, **App. 4**

ARCHITECTS

- Certificate of authority, **2:9**
- Definition of practice of architecture, **2:9**
- Delay caused by architect/engineer, proof of, **15:7**
- Licensing, **2:9**
- Lien rights under Private Works Act, **12:10**
- National Council of Architectural Registration Boards, out-of-state practitioners, **2:10**
- Performance of construction contracts, approval by architect or engineer, **8:4**
- Specific periods of prescription, **11:2**

ARMED SERVICES BOARD OF CONTRACT APPEALS (ASBCA)

- Government contracts, **17:3**

ASBESTOS

- Abatement of asbestos, specific periods of prescription in actions regarding, **11:2**

ATTACHMENT AND GARNISHMENT

- Non-attachment of federal tax liens under Louisiana lien and privilege law, **12:35**
- Post-judgment remedies under Louisiana lien and privilege law, **12:46**

ATTORNEYS' FEES

- Contractor criminal liability, **10:8**
- Damages for breach of construction contract, **9:8**
- Louisiana lien and privilege law, **12:27**
- Miller Act, **13:4**
- Surety bond claims
 - Louisiana Public Works Act, **13:15**
 - Private Works Act, **13:23**
 - United States public works (The Miller Act), **13:4**

ATTRACTIVE NUISANCE DOCTRINE

- Tort liability, **10:4**

BAD FAITH

- Insurance, penalties for bad faith claims settlement, **16:7**

BANKRUPTCY AND THE CONTRACTOR

- Generally, **18:1 to 18:4**
- Chapter 7 liquidation, **18:1 to 18:4**
- Chapter 11 reorganization, **18:1 to 18:4**
- Liquidation and reorganization, distinguished, **18:2**
- Stay of bankruptcy, **18:3**
- Time limitations, **18:4**

BAR CHARTS

- Litigation, proof of owner-caused delay, **15:8**

BIDDING

- Generally, **3:1 to 3:7**
- Closed Specifications, **3:8**
- Definition of responsible bidder, **3:6**

INDEX

BIDDING—Cont'd

- Design-Build, CMAR, AND PPP, **3:9**
- Federal law, unbalanced bids, **3:7**
- Federal projects, mistakes in bids on, **3:4**
- IFB (invitation for bids), **3:1**
- Irregularities in bids, **3:5**
- Just cause for rejection of bid, **3:2**
- Louisiana jurisprudence, mistakes in bids, **3:4**
- Mistake in bids, **3:4**
- Non-responsive bids, **3:3, 3:5**
- Owner's right to reject bids, **3:2**
- Public Bid Law, **3:1**
- Rejection of bid, owner's right, **3:2**
- Remedies, unsuccessful bidder's remedies, **3:3**
- Responsibility of bidder, **3:6**
- Responsiveness of bids, **3:3, 3:5**
- State law, **3:7**
- Unbalanced bids, **3:7**
- Unsuccessful bidder's remedies, **3:3**

BONDS

- Surety Bond Claims, this index

BREACH

- Damages for Breach of Construction Contract, this index
- Performance of Construction Contracts, this index

BUILDER'S RISK POLICY

- Insurance, **16:3**

BUILDING MATERIALS

- Performance of construction contracts, risk of loss of building materials, **8:9**

BUILDING RESTRICTION

- Specific periods of prescription, **11:2**

BUSINESS CORPORATIONS

- Generally, **1:5**
- Advantages, **1:5**

BUSINESS ENTITIES

- Generally, **1:1 to 1:9**
- Business corporations, **1:5**
- Corporations, this index
- Joint venture, **1:4**
- Licensing, this index
- Limited liability company (LLC), **1:7**
- Limited liability partnership (LLP), **1:6**
- Partnerships. Partners and Partnerships, this index
- Professional corporations, **1:9**
- Registered limited liability partnership (RLLP), **1:6**

BUSINESS ENTITIES—Cont'd

Single purpose entity (SPE), **1:8**

Sole proprietorship, **1:2**

Types, **1:1 to 1:9**

BUSINESS RECORDS RULE

Litigation, admissibility of document evidence, **15:2**

CANCELLATION

See also Termination, this index

Form, request for cancellation, **App. 14**

Louisiana Lien and Privilege Law, claimant's cancellation of lien, **12:42**

CERTIFICATE OF AUTHORITY

Architects, **2:9**

CHANGE IN LAW

Performance of construction contracts, **8:7**

CHANGE ORDERS

Generally, **App. 6**

Interpretation of Contract Provisions, this index

CHANGED CONDITIONS

Additional cost claims, differing site conditions, **6:2**

Category I & II, public contracts, differing site conditions, **6:2**

Concealed condition clause, differing site conditions, **6:2**

Contractor's rights to compensation, **6:1, 6:2**

Differing site conditions, **6:2**

Private contracts, differing site conditions, **6:2**

Public contracts, differing site conditions, **6:2**

Typical problems, differing site conditions, **6:2**

CHAPTER 7 LIQUIDATION

Generally, **18:1 to 18:4**

CHAPTER 11 REORGANIZATION

Generally, **18:1 to 18:4**

CHAPTER 12 BANKRUPTCY

Generally, **18:1**

CHAPTER 13 BANKRUPTCY

Generally, **18:1**

CHOICE OF LAW

Interpretation of construction contract provisions, **5:1**

Unlawful construction contract provisions, **4:8**

CITIZENSHIP

Immigration statutes, impact on construction industry, **10:9**

INDEX

CITY

Prescription and peremption, specific periods of prescription on actions on contracts for work and labor with city, **11:2**

CLAIMS-MADE POLICIES

Insurance, “claims-made” policies versus occurrence, **16:2**

COMMENCEMENT OF WORK

Damages for breach for failure to commence construction, **9:2, 9:4**

COMMENDAM PARTNERSHIP

Generally, **1:6**

COMPARATIVE FAULT

Tort liability, principles, **10:6**

COMPLETION OF WORK

Breach by failure to complete construction on time, **8:18**

Damages for breach of failure to complete work, **9:3**

COMPREHENSIVE GENERAL LIABILITY (CGL) POLICY

Insurance, **16:2**

CONCEALED CONDITION CLAUSE

Differing site conditions, **6:2**

CONCURSUS PROCEEDING

Under Louisiana Public Works Act, **13:14**

CONDITIONAL OBLIGATION

Performance of construction contracts, default, **8:14**

CONFLICT OF LAW

Choice of Law, this index

CONSENT

Formation of contract, consent to contract, **4:6**

CONSTRUCTION OF CONTRACT PROVISIONS

Interpretation of Contract Provisions, this index

CONSULTANT

Litigation, expert as consultant, **15:16**

CONTRACT DISPUTES ACT

Government contracts, **17:3**

CONVENTIONAL BONDS

Surety bond claims, Louisiana Private Works Act, **13:25**

CORPORATIONS

Generally, **1:5**

Professional corporations, **1:9**

COST-PLUS CONTRACTS

Generally, **7:1 to 7:5, App. 3**

COST-PLUS CONTRACTS—Cont'd

- Allowable costs under cost-plus contracts, **7:2**
- Definition of cost-plus contract, **7:1**
- Itemization of costs, contractor's duties, **7:3**
- Public contracts, prohibition, **7:4**
- Suggested contents of cost-plus contracts, **7:5**

COSTS AND DISBURSEMENTS

- Damages for breach of construction contract, **9:7**

COURT OF CLAIMS ACTIONS

- Discovery in board of contract appeals and court of claims actions, **15:14**

CRIMINAL ENFORCEMENT

- Licensing law, **2:7**

CRIMINAL LIABILITY

- Generally, **10:7, 10:8, 10:9**

CRITICAL PATH METHOD (CPM)

- Delay caused by owner, **15:8**

DAMAGES

- Breach of construction contract. Damages for Breach of Construction Contract, this index
- Unsuccessful bidder's remedies, **3:3**

DAMAGES FOR BREACH OF CONSTRUCTION CONTRACT

- Generally, **9:1 to 9:10**
- Attorneys' fees, **9:8**
- Commencing construction, breach for failure, **9:2, 9:4**
- Completion of work, breach for failure of, **9:3**
- Costs and disbursements, **9:7**
- Defective construction or omission, damages for, **9:5**
- Delay damages, **9:10**
- Eichleay formula, **9:10**
- Interest as element of damages, **9:6**
- Liquidated damages, **9:9**
- Overhead increase, **9:10**
- Statutes allowing recovery of attorneys' fees, **9:8**
- Wrongful refusal by owner to permit work to commence or continue, effect of, **9:4**

DAUBERT

- Expert testimony, impact on, **15:19**

DEFAULT

- Performance of Construction Contracts, this index

DEFECTS

- Damages for breach of construction contract, damages for defective construction or omission, **9:5**
- Formation of contract, defects in consent which invalidate contract, **4:6**

INDEX

DEFENSES

- Louisiana Lien and Privilege Law, this index
- Surety bond claims, Louisiana Private Works Act, **13:24**

DEFINITE OBJECT

- Contractual requirement of definite object, **4:7**

DEFINITIONS

- Active breach, **8:15**
- Architecture, **2:9**
- Construction contract, **4:8**
- Cost-plus contract, **7:1**
- Engineer, **2:9**
- General contractors, **12:6**
- Home improvement contractor, **2:3**
- Laborers, **12:4**
- Owner, **12:3**
- Practice of architecture, **2:9**
- Residential building contractor, **2:3**
- Responsible bidder, **3:6**
- Security interest, **12:35**
- Sellers, **12:5**
- Subcontractors, **12:7**
- Substantial completion, **8:11**
- Sub-subcontractors, **12:8**
- Unbalanced bid, **3:7**

DELAY

- Architect/engineer, proof of delay caused by, **15:7**
- Bar charts, proof of owner-caused delay, **15:8**
- Contractor caused delay, proof of delay damages, **15:6**
- Critical path method (CPM), owner-caused delay, **15:8**
- Damages for breach of construction contract, **9:10**
- Gantt charts, proof of owner-caused delay, **15:8**
- Proof of delay damages. Litigation, this index
- United States public works (The Miller Act), surety bond claims, **13:4**

DEMONSTRATIVE EVIDENCE

- Litigation, admissibility of document evidence, **15:3**

DEPOSITIONS

- Litigation, **15:11**

DESTRUCTION

- Performance of construction contracts, destruction of building during construction, **8:8**

DIFFERING SITE CONDITIONS

- Changed conditions, **6:2**

DIRECT ACTIONS

- Surety bond claims under Louisiana Public Works Act, **13:16**

DISCHARGE

Federal tax liens, **12:35**

DISCOVERY

Generally, **15:9 to 15:14**

Board of contract appeals and court of claims actions, discovery in, **15:14**

Depositions, **15:11**

Entry upon land, **15:12**

Freedom of Information Act, Public Records Law, **15:13**

Production of documents, interrogatories and requests for admission, **15:10**

DOCUMENT EVIDENCE

Litigation, this index

DURESS

Formation of contract, defects in consent which invalidate contract, **4:6**

EICHLEAY FORMULA

Damages for breach of construction contract, **9:10**

ELECTRONIC EVIDENCE

Litigation, admissibility of document evidence, **15:4**

ENGINEERS

Delay caused by architect/engineer, proof of, **15:7**

Licensing, **2:9**

Lien rights under Private Works Act, **12:10**

Louisiana Professional Engineering and Land Surveying Board, **2:9**

Performance of construction contracts, approval by architect or engineer, **8:4**

ENRICHMENT WITHOUT CAUSE

Quantum Meruit, this index

ENTRY UPON LAND

Discovery methods and strategies, **15:12**

ERROR OR MISTAKE

Bidding, mistake in bids, **3:4**

Formation of contract, defects in consent which invalidate contract, **4:6**

E-VERIFY SYSTEM

Immigration statutes, impact on construction industry, **10:9**

EXCLUSIONS

Insurance, Comprehensive General Liability (CGL) policy, significant exclusions, **16:2**

EXPERTS

Consultant, expert as, **15:16**

Daubert, impact on expert testimony, **15:19**

Qualifying expert as witness, **15:18**

Selection and utilizing, **15:15 to 15:19**

Witness, expert as, **15:17 to 15:19**

INDEX

FEDERAL AGENCY

Government contracts with federal agencies, **17:3**

FEDERAL ARBITRATION ACT

Generally, **14:3**

FEDERAL CONTRACTS

Interpretation of contract provisions, change orders in federal contracts, **5:7**

FEDERAL PROJECTS

Mistakes in bids on federal projects, **3:4**

FEDERAL TAX LIENS

Enforcement of lien and privilege, **12:35**

FLAT FEE CONSTRUCTION CONTRACT

Generally, **App. 2**

FORMATION OF CONTRACT

Generally, **4:1 to 4:15**

Acceptance

Performance, acceptance by, **4:5**

Revocation before acceptance, **4:3**

Variance between offer and acceptance, **4:4**

Choice of law, unlawful construction contract provisions, **4:8**

Consent to contract, **4:6**

Defects in consent which invalidate contract, **4:6**

Definite object, contractual requirement of, **4:7**

Duress, defects in consent which invalidate contract, **4:6**

Error, defects in consent which invalidate contract, **4:6**

Executive or officer of other party, contract binding subject to acceptance by, **4:3**

Formal written contract as condition of contract's existence, **4:13**

Forum selection, unlawful construction contract provisions, **4:8**

Fraud, defects in consent which invalidate contract, **4:6**

Indemnification agreement, unlawful construction contract provisions, **4:8**

Integrated project delivery agreements, **4:15**

Lesion, defects in consent which invalidate contract, **4:6**

Parol evidence rule

Generally, **4:9 to 4:15**

Contracts to pay debt of another, **4:10**

Formal written contract as condition of contract's existence, **4:13**

Integrated project delivery agreements, **4:15**

Real estate contracts, **4:11**

Sale of goods and obligations in general for price of \$500 or more, **4:12**

Standard contract terms, effect of, **4:14**

Performance as acceptance, **4:5**

Preliminary negotiations leading to offer, **4:2**

Public body, contracts where payment subject to approval of, **4:3**

Real estate contracts, parol evidence rule, **4:11**

Reasonable period of time, revocation of offer before acceptance, **4:3**

FORMATION OF CONTRACT—Cont'd

- Requirements of valid contract, **4:1**
- Revocation before acceptance, **4:3**
- Sale of goods and obligations in general for price of \$500 or more, parol evidence rule, **4:12**
- Standard contract terms, effect of, **4:14**
- Unlawful construction contract provisions, **4:8**
- Variance between offer and acceptance, **4:4**

FORUM SELECTION

- Unlawful construction contract provisions, **4:8**

FRAUD

- Formation of contract, defects in consent which invalidate contract, **4:6**
- Unbalanced bids, **3:7**

FREEDOM OF INFORMATION ACT

- Litigation, discovery methods and strategies, **15:13**

FUND FREEZE CLAIM

- Surety bond claims, Louisiana Public Works Act, **13:13**

GANTT CHARTS

- Litigation, proof of owner-caused delay, **15:8**

GARNISHMENT

- Louisiana lien and privilege law, post-judgment remedies, **12:46**

GENERAL CONTRACTORS

- Defined under Private Works Act, **12:6**
- Lien rights under Private Works Act, **12:13**

GENERAL SERVICES BOARD OF CONTRACT APPEALS (GSBCA)

- Government contracts, **17:3**

GOVERNING LAW

- Choice of Law, this index

GOVERNMENT CONTRACTS

- Generally, **17:1 to 17:4**
- Armed Services Board of Contract Appeals (ASBCA), contracting with federal agencies, **17:3**
- Contract Disputes Act, contracting with federal agencies, **17:3**
- Federal agencies, contracting with, **17:3**
- General Services Board of Contract Appeals (GSBCA), contracting with federal agencies, **17:3**
- Reciprocity statute, contracting with state agencies, **17:2**
- Set aside program for minorities, contracting with state agencies, **17:2**
- State agencies, contracting with, **17:2**

HAZARDS

- Changed conditions, contractor's rights to compensation for, **6:2**
- Tort liability, contractor's duty to warn of specific hazards, **10:2**

INDEX

IMMIGRATION STATUTES

Impact on construction industry, **10:9**

INDEMNIFICATION

Unlawful construction contract provisions, **4:8**

INJUNCTIONS

Unsuccessful bidder's remedies, **3:3**

INSTALLMENT PAYMENTS

Interpretation of contract provisions, **5:4**

INSURANCE

Generally, **16:1 to 16:7**

Builder's risk policy, **16:3**

"Claims-made" policies versus occurrence, **16:2**

Comprehensive General Liability (CGL) policy, **16:2**

Independent counsel, insurance coverage and, **16:6**

Multi-prime project, insurance problems on, Comprehensive General Liability (CGL) policy, **16:2**

Occurrence versus "claims-made" policies, **16:2**

Penalties for bad faith claims settlement, **16:7**

Professional liability policies, **16:5**

Retroactive date, "claims-made" policy, **16:2**

Significant exclusions, Comprehensive General Liability (CGL) policy, **16:2**

Workers' compensation, **16:4**

INTEGRATED PROJECT DELIVERY AGREEMENTS

Parol evidence rule, formation of contract, **4:15**

INTEREST

Damages for breach of construction contract, interest as element of damages, **9:6**

United States public works (The Miller Act), recovery of interest on surety bond claims, **13:4**

INTERFERENCE

Performance of construction contracts, owner's interference, **8:6**

INTERPRETATION OF CONTRACT PROVISIONS

Generally, **5:1 to 5:10**

Ambiguous provisions of contract, **5:1**

Change orders

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

Federal contracts, **5:7**

Oral change orders, **5:9**

Quantum meruit and actio de in rem verso, **5:10**

State contracts, **5:6**

Unjust enrichment, **5:10**

Written change orders, **5:8**

Constructive changes to contract, **5:7**

Failure to read contract prior to signing, **5:1**

Federal contracts, change orders in, **5:7**

INTERPRETATION OF CONTRACT PROVISIONS—Cont'd

- Inconsistent terms in contract, **5:1**
- Installment payments, **5:4**
- Oral change orders, **5:9**
- Pay-when-paid provisions, **5:4**
- Progress payments, **5:4**
- Qualified acceptance and the “workmanlike manner” requirement, **5:2**
- Quantum meruit and actio de in rem verso, change orders, **5:10**
- Relationship of plans and specifications to written contract, **5:3**
- State contracts, change orders in, **5:6**
- Unjust enrichment, change orders, **5:10**
- “Workmanlike manner” requirement, undefinable, **5:2**
- Written change orders, **5:8**

INTERROGATORIES

- Louisiana lien and privilege law, post-judgment remedies, **12:46**
- Production of documents, interrogatories and requests for admission, **15:10**

IRREGULARITIES

- Bidding, **3:5**

IRS

- Louisiana lien and privilege law, release by IRS, federal tax liens, **12:35**

ITEMIZATION OF COSTS

- Cost-plus contracts, contractor’s duties, **7:3**

JOINT VENTURE

- Business entities, **1:4**

JUST CAUSE

- Bid, just cause for rejection of bid, **3:2**

LABORERS

- Defined under Private Works Act, **12:4**
- Immigration statutes, impact on construction industry, **10:9**
- Lien rights under Private Works Act, **12:9, 12:11**
- Off-site laborers and materialmen, lien rights under Private Works Act, **12:11**

LAND SURVEYORS

- Surveys and Surveyors, this index

LESION

- Formation of contract, defects in consent which invalidate contract, **4:6**

LICENSING

- Generally, **2:1 to 2:12**
- Administrative and civil enforcement, **2:5**
- Architects, **2:9**
- Architects, engineers, and surveyors, **2:9**
- Contractual remedies, failure to obtain license as bar to, **2:6**
- Duration of contractor’s license, **2:2**
- Enforcement, **2:7**

INDEX

LICENSING—Cont'd

- Engineers, **2:9**
- Exceptions to licensing requirements, **2:4**
- Failure to obtain license as bar to contractual remedies, **2:6**
- Out-of-state practitioners, **2:10**
- Procedure, contractor's licensing procedure, **2:2**
- Renewal of contractor's license, **2:2**
- Requirements, general licensing requirements, **2:3, 2:4**
- State Uniform Construction Code, compliance with, **2:8**

LIENS

- Louisiana Lien and Privilege Law, this index

LIMITATION OF ACTIONS

- Prescription and Peremption, this index

LIMITATIONS

- Bankruptcy and the contractor, deadline for filing proof of claims, **18:4**
- Comprehensive General Liability (CGL) policy, general aggregate limit, **16:2**

LIMITED LIABILITY COMPANY (LLC)

- Generally, **1:7**

LIMITED LIABILITY PARTNERSHIP (LLP)

- Partner liability, **1:6**

LIQUIDATED DAMAGES

- Damages for breach of construction contract, **9:9**

LIQUIDATION

- Chapter 7 liquidation, **18:1 to 18:4**
- Distinction between liquidation and reorganization, **18:2**

LIS PENDENS

- Louisiana lien and privilege law, notice of lis pendens notice, **12:25**

LITIGATION

- Generally, **15:1 to 15:19**
- Admissibility of document evidence
 - Generally, **15:1 to 15:4**
 - Business records rule, **15:2**
 - Demonstrative evidence, **15:3**
 - Documents and documentary evidence, **15:2**
 - Electronic evidence, **15:4**
- Admission, requests for, **15:10**
- Appeals, discovery in board of contract appeals and court of claims actions, **15:14**
- Architect/engineer-caused delay, proof of delay damages, **15:7**
- Bar charts, proof of owner-caused delay, **15:8**
- Board of contract appeals and court of claims actions, discovery in, **15:14**
- Business records rule, admissibility of document evidence, **15:2**
- Construction contracts, generally, **15:1 to 15:19**

LITIGATION—Cont'd

- Consultant, expert as, **15:16**
- Contractor caused delay, proof of delay damages, **15:6**
- Critical Path Method (CPM), proof of owner-caused delay, **15:8**
- Demonstrative evidence, admissibility of document evidence, **15:3**
- Depositions, **15:11**
- Discovery, this index
- Document evidence. Admissibility of document evidence, above
- Electronic evidence, admissibility of document evidence, **15:4**
- Entry upon land, discovery methods and strategies, **15:12**
- Experts, this index
- Freedom of Information Act, public records law, **15:13**
- Gantt charts, proof of owner-caused delay, **15:8**
- Interrogatories and requests for admission, **15:10**
- Owner-caused delay, proof of delay damages, **15:8**
- Production of documents, interrogatories and requests for admission, **15:10**
- Proof of delay damages
 - Generally, **15:5 to 15:8**
 - Architect/engineer-caused delay, **15:7**
 - Bar charts, owner-caused delay, **15:8**
 - Contractor caused delay, **15:6**
 - Critical Path Method (CPM), owner-caused delay, **15:8**
 - Gantt charts, owner-caused delay, **15:8**
 - Owner-caused delay, **15:8**
- Qualifying expert as witness, **15:18**
- Requests for admission, **15:10**
- Summaries, demonstrative evidence, **15:3**
- Witness, expert as, **15:17 to 15:19**

LOCATION

- Louisiana lien and privilege law, where to file claim, **12:18, 12:22**
- Surety bond claims, where to file suit, **13:7**

LOST PROFIT RECOVERY

- Miller Act, **13:4**

LOUISIANA BUILDERS CONTRACT

- Generally, **App. 1**

LOUISIANA LIEN AND PRIVILEGE LAW

- Generally, **12:1 to 12:46**
- Attorney's fees, **12:27**
- Bond, satisfaction and release of lien, **12:40**
- Cancellation, claimant's cancellation of lien, **12:42**
- Collection methods, **12:44 to 12:46**
- Construction contract application, federal tax liens, **12:35**
- Defense by owner
 - Generally, **12:36 to 12:38**
 - Credit for completion by owner, **12:38**
 - Removal of lien, action by owner, **12:37**

INDEX

LOUISIANA LIEN AND PRIVILEGE LAW—Cont'd

- Definitions. Private Works Act, this index
- Discharge of federal tax liens, **12:35**
- Enforcement of lien and privilege
 - Generally, **12:20 to 12:35**
 - Construction contract application, federal tax liens, **12:35**
 - Federal tax liens, **12:35**
 - Method of enforcement, **12:21**
 - “No work” affidavit, **12:29**
 - Notice of lis pendens, **12:25**
 - Parties, **12:24**
 - Priorities, **12:29**
 - Release by IRS, federal tax liens, **12:35**
 - Sale of property, **12:28**
 - Security interest, defined, **12:35**
 - Subordination, federal tax liens, **12:35**
 - Trial, **12:26**
 - When to file suit, **12:23**
 - Where to file suit, **12:22**
 - Wrongfully levied property, federal tax liens, **12:35**
- Federal tax liens, enforcement of lien and privilege, **12:35**
- Garnishment, post-judgment remedies, **12:46**
- Interrogatories, post-judgment remedies, **12:46**
- Labor and material’s lien and statement of claim in affidavit form, **App. 8**
- Lis pendens notice, enforcement of lien and privilege, **12:25**
- “No work” affidavit, enforcement of lien and privilege, **12:29**
- Non-attachment, federal tax liens, **12:35**
- Notice
 - Lis pendens, enforcement of lien and privilege, **12:25**
 - Post-judgment remedies, **12:46**
 - Private Works Act, this index
- Oil and gas well liens, **12:33**
- Parties. Private Works Act, this index
- Peremption of lien after one year if no suit filed, **12:41**
- Post-judgment remedies, **12:46**
- Priorities, enforcement of lien and privilege, **12:29**
- Private Works Act, this index
- Privilege on automobiles and other machinery, repairman, **12:34**
- Public Works Act, **12:31**
- Public Works Act, this index
- Railroad liens, **12:32**
- Recording the judgment, post-judgment remedies, **12:46**
- Release
 - Federal tax liens, release by IRS, **12:35**
 - Lien bond, **12:40**
 - Satisfaction and release of lien, below
- Residential truth in Construction Act, **12:30**

LOUISIANA LIEN AND PRIVILEGE LAW—Cont'd

- Rights created by virtue of the money judgment, **12:45**
- Sale of property, enforcement of lien and privilege, **12:28**
- Satisfaction and release of lien
 - Generally, **12:39 to 12:43**
 - Peremption of lien after one year if no suit filed, **12:41**
 - Release of lien bond, **12:40**
 - Waiver of lien rights, **12:43**
- Security interest, defined, **12:35**
- Subordination, federal tax liens, **12:35**
- Surety Bond Claims, this index
- Time
 - Enforcement, when to file suit, **12:23**
 - Release of lien, peremption of lien after one year if no suit filed, **12:41**
- Trial, enforcement of lien and privilege, **12:26**
- Waiver of lien, **12:43, App. 12**
- Wrongfully levied property, federal tax liens, **12:35**

LOUISIANA PROFESSIONAL ENGINEERING AND LAND SURVEYING BOARD

- Engineers, governing board, **2:9**

MANDAMUS

- Unsuccessful bidder's remedies, **3:3**

MILLER ACT (United States Public Works)

- Generally, **13:1 to 13:7**
- Attorneys' fees, **13:4**
- Bond, **13:2**
- Claims covered, **13:4**
- Delay damages, **13:4**
- Interest, recovery of, **13:4**
- Lost profit recovery, **13:4**
- Notice requirements, **13:5**
- Parties covered, **13:3**
- Two tiers of claimants, **13:3**
- When suit must be brought, **13:6**
- Where to file suit, **13:7**

MINORITIES

- Set aside program for minorities, government contracts, **17:2**

MISTAKE

- Error or Mistake, this index

MONEY JUDGMENT

- Louisiana lien and privilege law, rights created by virtue of the money judgment, **12:45**

MULTIPLE UNIT OR MULTIPLE LOT

- Notice requirements under Private Works Act, **12:19**

INDEX

MULTI-PRIME PROJECT

Comprehensive General Liability (CGL) policy, insurance problems, **16:2**

NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS

Out-of-state practitioners, **2:10**

NEGLIGENCE

Tort liability, contributory negligence doctrine, **10:6**

NEGOTIATIONS

Formation of contract, preliminary negotiations leading to offer, **4:2**

NEW HOME WARRANTY ACT

Performance of construction contracts, **8:20**

Prescription, specific periods of, **11:2**

“NO WORK” AFFIDAVIT

Lien and privilege, enforcement of, **12:29**

NON-ATTACHMENT

Louisiana lien and privilege law, federal tax liens, **12:35**

NOTICE

Arbitration, notice of intention to arbitrate, **14:4**

Changed conditions, contractor's rights to compensation for, **6:2**

Contract, notice of, **App. 5**

Louisiana Lien and Privilege Law, this index

Miller Act, **13:5**

Request for Notice, **App. 11**

Termination of work, notice where work is evidenced by notice of contract, **App. 10**

Termination of work, notice where work not evidenced by notice of contract, **App. 9**

NUISANCES

Tort liability, attractive nuisance doctrine, **10:4**

OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA)

Tort liability, **10:3**

OFFER

Preliminary negotiations leading to offer, **4:2**

Variance between offer and acceptance, **4:4**

OFF-SITE LABORERS AND MATERIALMEN

Lien rights under Private Works Act, **12:11**

ORAL CHANGE ORDERS

Interpretation of contract provisions, **5:9**

OSHA (OCCUPATIONAL SAFETY AND HEALTH ACT)

Tort liability, **10:3**

OUT-OF-STATE PRACTITIONERS

Licensing, **2:10**

OWNERS AND OWNERSHIP

- Bidding, owner's right rejection of bid, **3:2**
- Defense by owner. Louisiana lien and privilege law, this index
- Defined under Private Works Act, **12:3**
- Interference, performance of construction contracts, **8:6**
- Litigation, proof of owner-caused delay, **15:8**
- Satisfaction of owner, performance to, **8:2**
- Wrongful refusal by owner to permit work to commence or continue, effect on damages for breach of construction contract, **9:4**

PAROL EVIDENCE RULE

- Formation of Contract, this index

PARTNERS AND PARTNERSHIPS

- Generally, **1:3**
- Commendam or limited liability partnership (LLP), **1:6**
- Dissolution and liability, **1:3**
- Personal liability of partners, **1:3**

PAY-WHEN-PAID PROVISIONS

- Interpretation of contract provisions, **5:4**

PENALTIES

- Insurance, penalties for bad faith claims settlement, **16:7**
- Undocumented workers, hiring, **10:9**

PEREMPTION

- Prescription and Peremption, this index

PERFORMANCE OF CONSTRUCTION CONTRACTS

- Generally, **8:1 to 8:21**
- Acceptance, performance as, **4:5**
- Active breach, **8:15**
- Anticipatory breach, **8:16**
- Architect or engineer, approval by, **8:4**
- Change in law, **8:7**
- Conditional obligation, default, **8:14**
- Damages for Breach of Construction Contract, this index
- Default
 - Generally, **8:13 to 8:21**
 - Active breach, "putting in default" requirement, **8:15**
 - Anticipatory breach, **8:16**
 - Conditional obligation, **8:14**
 - New Home Warranty Act, **8:20**
 - Passive breach, "putting in default" requirement, **8:15**
 - "Putting in default" requirement, **8:15**
 - Redhibition, action in, **8:19**
 - Request for Notice, **App. 11**
 - Specific performance as contract remedy, **8:21**
 - Time, breach by failure to complete construction on time, **8:18**
 - Waiver of breach, **8:17**

INDEX

PERFORMANCE OF CONSTRUCTION CONTRACTS—Cont'd

- Destruction of building during construction, **8:8**
- Formation of contract, performance as acceptance, **4:5**
- Governmental agency, approval by, **8:3**
- Legal justification for failure to perform, **8:5**
- New Home Warranty Act, **8:20**
- Owner's interference, **8:6**
- Passive breach, **8:15**
- "Putting in default" requirement, **8:15**
- Quanti minoris, action in, **8:19**
- Quantum meruit rule (enrichment without cause), **8:12**
- Redhibition, action in, **8:19**
- Risk of loss of building materials, **8:9**
- Satisfaction of owner, performance to, **8:2**
- Specific performance as contract remedy, **8:21**
- Substantial performance
 - Generally, **8:10 to 8:12**
 - Quantum meruit rule (enrichment without cause), **8:12**
 - Substantial performance test, **8:11**
- Time, breach by failure to complete construction on time, **8:18**
- Waiver of breach, **8:17**

PERSONAL ACTIONS

- Specific periods of prescription, **11:2**

PLANS AND SPECIFICATIONS

- Relationship of plans and specifications to written contract, interpretation of contract provisions, **5:3**

POST-JUDGMENT REMEDIES

- Louisiana lien and privilege law, **12:46**

PRESCRIPTION AND PEREMPTION

- Generally, **11:1 to 11:4**
- Asbestos abatement action, specific periods of prescription, **11:2**
- Building restriction actions, specific periods of prescription, **11:2**
- City, prescription on actions on contracts for work and labor with, **11:2**
- Contractors and architects, actions against, generally, **11:2**
- Limitation of actions. Statutes of limitation or prescription, below
- Louisiana lien and privilege law, peremption of lien after one year if no suit filed, **12:41**
- New Home Warranty Act, actions under, **11:2**
- Personal actions, **11:2**
- Repose. Statutes of repose or peremption, below
- Statutes of limitation or prescription
 - Generally, **11:1, 11:2**
 - Specific periods of prescription, **11:2**
- Statutes of repose or peremption
 - Generally, **11:3**
 - Specific periods, **11:4**

PRESCRIPTION AND PEREMPTION—Cont'd

Subdivision regulation, actions regarding, **11:2**

Zoning restriction, actions regarding, **11:2**

PRIORITIES

Enforcement of lien and privilege, **12:29**

PRIVATE CONTRACTS

Arbitration, **App. 4**

Changed conditions, differing site conditions, **6:2**

PRIVATE WORKS ACT

Generally, **12:2, 12:3 to 12:19**

Adjacent property, liens on, notice requirements under old Private Works Act, **12:19**

Architects, lien rights under Act, **12:10**

Attorney's fees, **12:27, 13:23**

Bonds. Surety bond claims, below

Contents of statement of claim, notice requirements under Act, **12:17**

Conventional bonds, surety bond claims, **13:25**

Defenses, surety bond claims, **13:24**

Definitions

Generally, **12:3 to 12:8**

General contractors, **12:6**

Laborers, **12:4**

Owner, **12:3**

Sellers, **12:5**

Subcontractors, **12:7**

Sub-subcontractors, **12:8**

Engineers, lien rights under Act, **12:10**

Extent of surety's liability, surety bond claims, **13:21**

Laborers, lien rights under Act, **12:9**

Liability of surety, extent, **13:21**

Lis pendens, notice of, **12:25**

Louisiana lien and privilege law, generally, **12:2, 12:3 to 12:19**

Multiple unit or multiple lot, notice requirements under Private Works Act, **12:19**

Notice requirements under Act

Generally, **12:15 to 12:19**

Adjacent property, liens on, **12:19**

Contents of statement of claim, **12:17**

How to file claims, **12:15**

Lis pendens, **12:25**

Multiple unit or multiple lot, **12:19**

Privileges on adjacent lots under Act, **12:19**

Termination notice, **12:16**

Where to file claim, **12:18**

Off-site laborers and materialmen, lien rights under Act, **12:11**

Owner, defined, **12:3**

INDEX

PRIVATE WORKS ACT—Cont'd

Parties

Enforcement, **12:24**

Lien rights under Act, parties with, **12:9 to 12:14**

Surety bond claims, parties covered, **13:20**

Priorities, **12:29**

Renters of equipment, lien rights under Act, **12:12**

Sellers, lien rights under Act, **12:9**

Statement of claim, contents, notice requirements under Private Works Act, **12:17**

Subcontractors, lien rights under Act, **12:9**

Surety bond claims

Generally, **13:18 to 13:25**

Attorneys' fees, **13:23**

Bond, generally, **13:19**

Conventional bonds, **13:25**

Defenses, **13:24**

Extent of surety's liability, **13:21**

Parties covered, **13:20**

Surety defenses, **13:24**

Time limitations for suit against surety, **13:22**

Surveyors, lien rights under Act, **12:10**

Termination notice, requirements under Act, **12:16**

Time limitations, **12:23, 12:41, 13:22**

Union pension funds, lien rights under Act, **12:14**

Waiver of lien rights, **12:43**

PRIVILEGE LAW

Louisiana Lien and Privilege Law, this index

PROFESSIONAL CORPORATIONS

Business entities, **1:9**

PROFESSIONAL ENGINEERING AND LAND SURVEYING BOARD

Engineers, governing board, **2:9**

PROFESSIONAL LIABILITY POLICIES

Insurance, **16:5**

PROGRESS PAYMENTS

Interpretation of contract provisions, **5:4**

PROOF OF DELAY

Litigation, this index

PUBLIC CONTRACTS

Changed conditions, differing site conditions, **6:2**

Cost-plus contracts, prohibition, **7:4**

PUBLIC RECORDS LAW

Litigation, discovery methods and strategies, **15:13**

PUBLIC WORKS ACT

- Attorneys' fees, surety bond claims, **13:15**
- Bond. Surety bond claims, below
- Concursus proceeding under Act, **13:14**
- Direct action against surety, **13:16**
- Federal Public Works Act. Miller Act, this index
- Fund freeze claim, **13:13**
- How to file surety bond claim, **13:12**
- Louisiana Public Works Act, generally, **13:8 to 13:17**
- No lien rights, **13:13**
- Parties covered, surety bond claims, **13:10**
- Security in lieu of amount withheld, **13:17**
- Surety bond claims
 - Generally, **13:8 to 13:17**
 - Attorneys' fees, **13:15**
 - Bond, generally, **13:9**
 - Concursus proceeding under Act, **13:14**
 - Direct action against surety, **13:16**
 - Fund freeze claim, **13:13**
 - How to file claim, **13:12**
 - No lien rights, **13:13**
 - Parties covered, **13:10**
 - Security in lieu of amount withheld, **13:17**
 - Time limitations, **13:11**
- Time limitations, surety bond claims, **13:11**
- United States public works. Miller Act, this index

“PUTTING IN DEFAULT” REQUIREMENT

- Performance of construction contracts, **8:15**

QUANTUM MERUIT

- Interpretation of contract provisions, change orders, **5:10**
- Licensing, failure to obtain license as bar to contractual remedies, **2:6**
- Substantial performance of construction contracts, generally, **8:12**

REAL ESTATE CONTRACTS

- Parol evidence rule, **4:11**

RECIPROCITY STATUTE

- Government contracts, contracting with state agencies, **17:2**

RECORDING THE JUDGMENT

- Post-judgment remedies under Louisiana lien and privilege law, **12:46**

REDHIBITION

- Performance of construction contracts, action in redhibition, **8:19**

REGISTERED LIMITED LIABILITY PARTNERSHIP (RLLP)

- Individual liability of RLLP partner, **1:6**

REJECTION

- Bidding, owner's right rejection of bid, **3:2**

INDEX

RENTERS OF EQUIPMENT

Private Works Act, lien rights under, **12:12**

REORGANIZATION

Chapter 11 reorganization, **18:1 to 18:4**

REPOSE

Prescription and Peremption, this index

RESPONSIBLE BIDDER

Defined, **3:6**

RESPONSIVE BIDS

Generally, **3:3, 3:5**

REVOCATION

Formation of contract, revocation before acceptance, **4:3**

SALE OF PROPERTY

Louisiana lien and privilege law, enforcement of lien and privilege, **12:28**

SATISFACTION AND RELEASE OF LIEN

Louisiana Lien and Privilege Law, this index

SECURITY INTEREST

Defined, enforcement of lien and privilege, **12:35**

SELLERS

Defined under Private Works Act, **12:5**

Lien rights under Private Works Act, **12:9**

SETTING ASIDE

Minorities, government contracts, **17:2**

SINGLE PURPOSE ENTITY (SPE)

Business entities, **1:8**

SOLE PROPRIETORSHIP

Business entities, **1:2**

SPECIFIC PERFORMANCE

Contract remedy, **8:21**

STATE UNIFORM CONSTRUCTION CODE

Licensing compliance with code, **2:8**

STATEMENT OF CLAIM

Generally, **App. 7**

Labor and material's lien and statement of claim in affidavit form, **App. 8**

Notice requirements under Private Works Act, contents of statement of claim, **12:17**

STATUTES OF LIMITATION

Prescription and Peremption, this index

STAYS

Bankruptcy stay, **18:3**

SUBCONTRACT FORM

Generally, **App. 13**

SUBCONTRACTORS

Defined under Private Works Act, **12:7**

Lien rights under Private Works Act, **12:9**

SUBDIVISION REGULATION

Prescription and peremption, specific periods of prescription, **11:2**

SUBORDINATION

Federal tax liens, Louisiana lien and privilege law, **12:35**

SUBSTANTIAL PERFORMANCE

Performance of Construction Contracts, this index

SUB-SUBCONTRACTORS

Definitions under Private Works Act, **12:8**

SUMMARIES

Litigation, demonstrative evidence, **15:3**

SURETY BOND CLAIMS

Generally, **13:1 to 13:25**

Attorneys' fees

Louisiana Public Works Act, **13:15**

Private Works Act, **13:23**

United States public works (The Miller Act), **13:4**

Concursus proceeding under Public Works Act, **13:14**

Conventional bonds, Private Works Act, **13:25**

Direct action against surety, Public Works Act, **13:16**

Extent of surety's liability, Private Works Act, **13:21**

Fund freeze claim, Public Works Act, **13:13**

Liability of surety, Private Works Act, **13:21**

Miller Act, this index

Private Works Act

Generally, **13:18 to 13:25**

Attorney's fees, **13:23**

Bond, generally, **13:19**

Conventional bonds, **13:25**

Defenses, **13:24**

Extent of surety's liability, **13:21**

Parties covered, **13:20**

Surety defenses, **13:24**

Time limitations for suit against surety, **13:22**

Public Works Act

Generally, **13:8 to 13:17**

Attorneys' fees, **13:15**

Bond, generally, **13:9**

INDEX

SURETY BOND CLAIMS—Cont'd

- Public Works Act—Cont'd
 - Concursus proceeding under Act, **13:14**
 - Direct action against surety, **13:16**
 - Fund freeze claim, **13:13**
 - How to file claim, **13:12**
 - No lien rights, **13:13**
 - Parties covered, **13:10**
 - Security in lieu of amount withheld, **13:17**
 - Time limitations, **13:11**
- Security in lieu of amount withheld, Public Works Act, **13:17**
- Surety defenses, Private Works Act, **13:24**
- Time limitations
 - Private Works Act, **13:22**
 - Public Works Act, **13:11**
- United States public works. Miller Act, this index

SURVEYS AND SURVEYORS

- Lien rights under Private Works Act, **12:10**
- Louisiana Professional Engineering and Land Surveying Board, **2:9**

TERMINATION

- See also Cancellation, this index
- Private Works Act requirements for termination notice, **12:16**
- Work evidenced by notice of contract, notice of termination of work, **App. 10**
- Work not evidenced by notice of contract, notice of termination of work, **App. 9**

THIRD PERSONS

- Tort liability, third person liability in workmen's compensation claim, **10:5**

TIME OR DATE

- Bankruptcy and the contractor, time limitations, **18:4**
- Breach by failure to complete construction on time, **8:18**
- Comprehensive General Liability (CGL) policy, retroactive date of "claims-made" policy, **16:2**
- Delay, this index
- Miller Act (United States Public Works), when suit must be brought, **13:6**
- Notice requirements under Private Works Act, contents of statement of claim, **12:17**
- Prescription and Peremption, this index
- Surety Bond Claims, this index

TORT LIABILITY

- Generally, **10:1 to 10:6**
- Attractive nuisance doctrine, **10:4**
- Comparative fault, **10:6**
- Contributory negligence doctrine, **10:6**
- OSHA (Occupational Safety and Health Act), **10:3**
- Sources of liability, **10:1**
- Statutory duties, contractor's liability for breach of, **10:3**

TORT LIABILITY—Cont’d

Third person liability in workmen’s compensation claim, **10:5**

Warning of specific hazards, contractor’s duty, **10:2**

TRIAL

Enforcement of lien and privilege, **12:26**

UNBALANCED BIDS

Generally, **3:7**

UNDOCUMENTED WORKERS

Immigration statutes, impact on construction industry, **10:9**

UNIFORM CONSTRUCTION CODE

Licensing compliance with code, **2:8**

UNION PENSION FUNDS

Lien rights under Private Works Act, **12:14**

UNITED STATES PUBLIC WORKS

Miller Act, this index

UNJUST ENRICHMENT

Interpretation of contract provisions, change orders, **5:10**

WAIVER

Lien, waiver of, **12:43, App. 12**

Performance of construction contracts, waiver of breach, **8:17**

WARNINGS

Tort liability, contractor’s duty to warn of specific hazards, **10:2**

WITNESSES

Litigation, expert as witness, **15:17 to 15:19**

Qualifying expert as witness, **15:18**

WORKERS’ COMPENSATION

Insurance, **16:4**

Tort liability, third person liability in workmen’s compensation claim, **10:5**

“WORKMANLIKE MANNER”

Interpretation of contract provisions, **5:2**

WRITTEN CHANGE ORDERS

Interpretation of contract provisions, **5:8**

WRONGFUL REFUSAL

Damages for breach of construction contract, effect of owner’s wrongful refusal to permit work to commence or continue on, **9:4**

WRONGFULLY LEVIED PROPERTY

Louisiana lien and privilege law, federal tax liens, **12:35**

ZONING RESTRICTION

Prescription and peremption, specific periods of prescription, **11:2**