

Kenton Andrews

Shareholder

PRACTICE EMPHASIS:

Construction law; labor and employment law; commercial litigation

EDUCATION:

J.D., South Texas College of Law, 2009

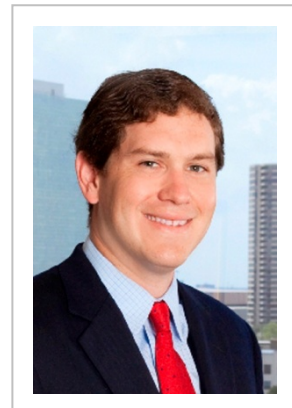
B.A., University of Tennessee, 2005

ADMITTED:

State Bar of Texas

COURT ADMISSIONS:

U.S. District Court, Eastern and Southern Districts of Texas



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Profile:

Kenton Andrews' practice focuses on dispute resolution, contract negotiation, and litigation of construction and contract related disputes. He has significant experience representing clients' interests dealing with commercial, civil, industrial and government projects - including procurement issues, bid protests, and administrative appeals in the public sector. Kenton has worked with many general contractor clients to help protect their contractual rights and interests during an "on the job" dispute with the project's owner. This includes advancing our clients' interests in a wide array of public projects including ones owned by the City of Houston, Houston Independent School District, various university systems and the Texas Department of Transportation. In addition to his construction practice, Kenton also routinely represents clients' interests in other commercial related disputes arising from company agreements, employment issues, real estate transactions, and payment disputes.

Professional Recognition:

"Texas Rising Star," *Texas Monthly*, 2015 - 2019

Affiliations:

State Bar of Texas
Houston Bar Association, Construction Law Section
Houston Young Lawyers Association
Construction Financial Management Association
Associated Builders and Contractors
The Associated General Contractors of America

Representative Experience:

- Represented general contractor in multi-million dollar delay and scope dispute relating to luxury highrise hotel and mixed-use project
- Represented owner of multiple recreational theme parks in dispute with general contractor arising from defective work and trust fund violations
- Represented general contractor client in claim against TxDoT arising from productivity impacts caused by utility line conflicts.

Representative Experience (Cont'd)

- Successfully argued bid solicitation errors and deficiencies in a bid protest regarding a \$40 million dollar public works project on behalf of a contractor who was denied consideration in the bid solicitation and award process, resulting in a rebidding of the project
- Routinely lead contract negotiations for general contractors involved in various mixed use developments, hotels and historic preservation projects
- Defended multi-family developer in the arbitration of a multi-million dollar dispute regarding the construction and design of a luxury high rise project
- Prevailed at trial on behalf of a pipeline supplier that was awarded all damages, attorneys' fees and interest
- Defended electrical subcontractor against consequential damages claim in excess of \$1 million.
- Defended individuals against misappropriation of trade secrets, breach of employment and violation of non-competition claims brought by former oil and gas services employer.
- Routinely advise and assist general contractors with "on the job" disputes with public owners including the City of Houston and the Texas Department of Transportation
- Represented a general contractor against a demand from a County to perform work pursuant to a developer's bond on a project that had been complete for at least five years.
- Assisted in defense of general contractor, individual owners, and surety in the arbitration of a multi-million dollar breach of contract case relating to work on a power plant retrofit project, resulting in client's successful recovery of damages and attorney's fees.
- Defended a local developer against breach of contract and quantum merit claims from a regional energy services provider.
- Prepared and filed a multimillion dollar mineral lien against a multi-county pipeline project in East Texas on behalf of a national pipeline contractor.
- Defended client in lawsuit by former healthcare based employer seeking an injunction to restrict competition nationwide.
- Led a quasi-governmental entity's effort to comply with Texas' open record laws.
- Advise clients regarding their contractual rights and interest while bidding and performing work on government owned construction projects.
- Advise clients on their rights and interests during contract negotiations.

Speeches and Publications:

- "Houston Public Works Launches New Public Information Request Portal," AM Monthly Law Alert, August 2020
- "The Enforceability of Forum Selection Clauses," AM Monthly Law Alert, June 2020
- "Highway Improvement and Public Transportation Improvement Plans," AM Monthly Law Alert, October 2019
- "Killer Clauses in Construction Contracts," Foundation Performance Association, September 2019
- "New Legislation Affecting Government Contractors," AM Monthly Law Alert, June 2019
- "Contract Law," Associated General Contractors, May 2019
- "Texas Officials' Recent Actions to Impact Post Harvey Construction Projects and Housing Developments," AM Monthly Law Alert, May 2018
- "Anatomy of a Construction Claim," CFMA Heart of Texas Chapter, April 2018
- "You Agreed to a "Pay-If-Paid" Provision, You are on the Job and You Aren't Getting Paid...," AM Monthly Law Alert, February 2018
- "City of Houston Changes the Rules on Bid Protest Procedures," AM Monthly Law Alert, March 2017
- "City of Houston's 'Developer Bond' Requirements," AM Monthly Law Alert, November 2016

Speeches and Publications (Cont'd)

"Recent Court of Appeals Decision Makes Recovering Attorneys' Fees More Difficult," AM Monthly Law Alert, May 2016

"Texas' 84th Legislative Session – Summary of Construction Related Bills," ASHRAE Dallas Chapter seminar, January 2016

"Federal Circuit Court finds Government has duty of good faith and fair dealing," AM E-Newsletter, March 2014

"Stuck in the Middle: A General Contractor's Unique Position in Drafting Liability for Consequential and Liquidated Damages," State Bar of Texas Construction Law Journal, Volume 11, Number 1

"Complex Pipeline Projects Within Mineral Lien Affidavits," Houston Construction News, May 2012

"Primer on Funds Control Programs for Subcontractors" MCA Houston Presentation, June 2014