



## Allen W. Estes III

### PARTNER

Seattle

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### RELATED SERVICES

- Construction
- Commercial Litigation
- Construction Professionals
- Government Contracts
- Surety
- Government Investigations & Enforcement Defense

### OFFICES

- Seattle
- Anchorage
- San Diego
- Spokane
- San Francisco

### OVERVIEW

Allen W. Estes, III is a partner at GRSM where he advises clients on construction, public procurement, commercial, and renewable energy matters. He also serves as a Co-Chair of the Construction Practice Group, a Co-Managing Partner of the Seattle office and is a member of the firm's Executive Committee. He is a Fellow in the American College of Construction Lawyers.

In his construction practice, Allen advises developers, engineers, general contractors, subcontractors, suppliers and sureties in all phases of project administration and delivery on public and private projects to include bidding issues, contract drafting/negotiation, contractor licensing issues, project

performance, project disputes, project closeout and warranty issues on transportation, infrastructure, marine, waste water/water, power and renewable energy projects. His litigation experience includes bench and jury trials, as well as arbitrations, throughout the United States.

In his public procurement practice, Allen advises clients regarding doing business with federal, state and municipal government agencies, to include advising on bid protests, contract drafting/negotiation, contract performance and compliance issues, claims and dispute resolution. Allen's clients operate in a variety of industries, to include energy, healthcare, infrastructure, transportation, construction, telecommunications and information technology, to name a few. He has helped his clients succeed in both protesting and defending against protests in a variety of solicitation evaluation formats, including best value, negotiated best value and lowest responsible bidder formats.

Allen also counsels businesses regarding commercial matters such as contract drafting, breach of contract and product liability issues.

Allen lectures nationally and writes articles on a variety of topics, including contract evaluation, contract administration, claim preservation and prosecution, dispute resolution, public-private partnerships, integrated project delivery, power purchase agreements and renewable energy projects.

## REPRESENTATIVE EXPERIENCE

- Successfully negotiated and resolved multiple claims for a client on a Naval Pier project located in Bremerton, Washington.
- Successfully defended against numerous payment bond claims made by subcontractors on construction projects throughout the United States.
- Successfully prosecuted numerous payment bond claims on behalf of subcontractors and suppliers on construction projects throughout the United States.
- Successfully obtained a settlement of a claim for a client involving extra work performed on power project located in the City of Alameda, California.
- Successfully defended a public owner against a bid protest brought by a contractor to overturn the award of an airport services contract in Florida.
- Successfully negotiated and resolved claims for extra work, delay, disruption and impacts for an electrical subcontractor on a project located at Naval Base Kitsap.
- Successfully negotiated and resolved multiple change orders and claims for extra work arising out of work performed by a direct contractor on several Port of Oakland projects.
- Successfully negotiated and resolved a claim for extra work for a client on a United States Department of Interior Pier Project located in California.
- Successfully retained multiple construction contracts for clients after a decision by Caltrans not to award the contract to the clients for failure to use best efforts to comply with stated DBE goals.

- Successfully obtained an education contract for a client in a protest of a best value RFP after the awarding agency decided to award the contract to another bidder.
- Successfully retained numerous construction contracts for clients after the second and/or third low bidders protested the award of the contract to the client.
- Successfully retained medical supply contracts for clients through a bid protest after the awarding agency initially awarded the contract to another supplier.
- Successfully obtained a \$140,000,000 contract for a client after the protest and appeal of award for a services contract located in Hillsborough County Florida.
- Successfully obtained an award of a \$100MM emergency medical services and dispatch contract for a client in bid protest appeal proceeding for a client in Washington.
- Successfully resolved a breach of contract dispute for a client involving the supply of electric and water metering equipment in Washington.
- Obtained an arbitrator's award for a client in a case involving claims for extra work and impacts arising out of work performed on a transportation project located in California.
- Obtained an arbitrator's award for a client in a case involving extra work claims and the reversal of a liquidated damages assessment against a contractor arising out of the rejection of aggregate on a transportation project located in California.
- Successfully obtained an arbitrators award in a case involving unpaid extra work, delays and disruptions arising from the construction of an ammonia plant.
- Successfully resolved a claim for extra cost arising out of a termination on a bridge project in New York.
- Successfully negotiated and resolved several differing site condition claims for a client on a transportation project in located in San Diego, California.
- Successfully represented a client in a bench trial involving a claim arising out of construction of an oil refinery.
- Negotiated and resolved a claim for extra work on a public transportation project located in San Bernardino County.
- Successfully negotiated and resolved multiple claims for unpaid contract balance and extra work for a general contractor for work on five automobile dealerships located in the State of Washington.
- Successfully obtaining recovery for a supplier on claims arising out of work performed on a waste water treatment plant located in Tacoma, Washington.
- Successfully recovered \$4MM in extra and change order work for a major subcontractor on a P3 Project located in California.
- Successfully recovered upon and defended against Stop Notice, lien and payment bond disputes for numerous contractor clients and their sureties on projects located in California and Washington.

## PUBLICATIONS

- Counting the Chickens While They Hatch and the Double-Edged Sword of Tracking Project Claims and Delays, *American Bar Association*, Forum on the Construction Industry (2014)
- Contributing Author, Wiley Construction Law Update, *Aspen Publishing* (2005, 2008, 2019, 2021)
- Contributing Author, ABA Forum on Construction 50 State and Federal Update, *American Bar Association* (2012, 2013 and 2017)

## PRESENTATIONS

- *The Future is Now: Managing Construction Risks and Claims in the Age of Technology*, GRSM Legal Education Conference, New York, NY (May 2023)
- *The Future is Now: Managing Construction Risks and Claims in the Age of Technology*, GRSM Legal Education Conference, Hartford, CT (May 2023)
- Claim Strategies, What Electrical Contractors Need to Know, ELECTRI International (January 2022)
- Masonry, ABA Sticks and Bricks Program (October 2021)
- Subcontractor Killer Clauses, ELECTRI Council (February 2021)
- Counting the Chickens While They Hatch and the Double-Edged Sword of Tracking Project Claims and Delays, American Bar Association Forum on the Construction Industry, New Orleans (April 2010)
- Project Conception: Anatomy of a P3P and Tips for Selecting the Right Approach, Law Seminars International's P3P Workshop (March 2014)
- *Dispute Resolution: Terms to Facilitate a Long-Term Relationship for Long-Term Projects*, Law Seminars International's P3P Workshop (March 2014)
- *Developments in Change Orders*, NECA National Convention, Seattle (October 2017)
- *Public Procurement: The Basic Rules of the Road*, Client Presentation (2016)
- *Terminations*, ABA Fundamentals of Construction law Program (November 2013, November 2017, September 2021)
- *Recent Developments in Integrated Project Delivery*, NECA National Convention, Washington, D.C. (October 2013)
- *Evaluating Contracts: There Is a Method to This Madness*, Client Seminar (March 2013)

## CREDENTIALS

### Admissions

- Washington
- California
- U.S. District Court, Western and Eastern Districts of Washington
- U.S. District Court, Northern, Central, Southern, and Eastern Districts of California

## **Memberships**

- Pierce County Bar Association
- King County Bar Association
- Fellow, American College of Construction Lawyers
- Washington State Bar Association, Construction Law and Litigation Sections
- Steering Committee Member of the California AGC CLC San Francisco Chapter (2014 – 2016)
- California State Bar Association, Litigation Section
- Member of AGC of California
- Member AGC of Washington
- ELECTRI Foundation Council Member
- Steering Committee Member of the ABA Forum on the Construction Industry, Division 10 (2012 – 2017)
- Chair of ABA Forum on the Construction Industry, Division 10 (2017 – 2019)
- Past Chair of ABA Forum on Construction Industry, Division 10 (2019 – 2022)
- Member of ABA Forum on the Construction Industry Diversity Committee (2012 – present)

## **Community Involvement**

- Caleb-Joshua Education & Humanitarian Project, Board Member

\*Not admitted to practice in Alaska

## **Education**

- J.D., with Certificate of Concentration in Civil Litigation, University of California Hastings College of Law, 2000
- B.A., with distinction, Political Science, San Diego State University, 1996

## **Judicial Clerkship**

- Judge Franklin D. Burgess, U.S. District Court for the Western District of Washington (2002 – 2003)

## **Honors**

- Member, Golden Key National Honor Society
- Member, and former President, Pi Sigma Alpha, Political Science Honor Society, San Diego State Chapter