



## RECENT SUCCESSES

### CITY OF FRAMINGHAM DEPARTMENT OF PUBLIC WORKS

P&A has successfully represented the Framingham Department of Public Works through all phases of planning, design, construction and dispute resolution of a 15 year, \$200 million Capital Improvement Program to repair, modernize and expand the Town's water and sewer infrastructure, with multiple projects occurring each construction season.

### CONTRACTOR INDEMNITY LITIGATIONS

P&A has successfully represented a number of public owners in contract negotiations and follow-on disputes wherein the contractor has been required to defend and indemnify the public owner, resulting in the transfer of all or most legal fees and settlement costs to the contractor.

### BID PROTEST DISPUTES

P&A has successfully represented a number of cities, towns and school districts in bid protests filed to challenge contract awards, including the City of Framingham and the Towns of Rockland and Tewksbury.

### WHITEWAY CONSTRUCTION CORPORATION v. TOWN OF TEWKSBURY

P&A negotiated a favorable settlement on behalf of the Town of Tewksbury in resolution of a major construction dispute where the contractor submitted large invoices for compensation for alleged extra costs incurred in the construction of a town senior center.

### FORDYCE ET AL. v. TOWN OF HANOVER, ET AL.

P&A attorneys co-authored an amicus brief on behalf of the City Solicitors and Town Counsel Association in this leading case in which the Supreme Judicial Court affirmed the Town of Hanover's award of contract under G.L. c. 149, §§ 44A-44J, the public bidding statute governing design-bid-build construction.

**PETRINI & ASSOCIATES, P.C.**  
Counselors at Public Law



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### P&A WORKS PROACTIVELY TO ADVISE CLIENTS REGARDING THE MANY DISTINCT PHASES OF THE PUBLIC CONSTRUCTION PROCESS

Numerous phases of the public construction process require sound legal advice. P&A strives to protect its clients' interests at each of these sensitive junctures, including with regard to the following common stages of the public construction process:

- + Procurement, including OPM and Designer selection
- + Insurance and bond claims
- + Correcting defective work
- + Responding to and prosecuting contractual claims

*“P&A's thoroughness, persistence and experience with construction law resulted in a favorable settlement agreement and allowed us to open the school on time. I was extremely grateful to have them on our side.”*

**Ellen Sturgis**, Co-Chair, Stow Elementary School Building Committee



## PETRINI & ASSOCIATES, P.C.

PUBLIC CONSTRUCTION & INFRASTRUCTURE LAW PRACTICE

PUBLIC CONSTRUCTION IS A COMPLEX ENDEAVOR ...  
PUBLIC OWNERS NEED SOUND ADVICE AT EVERY PHASE.

THINKING PROSPECTIVELY. DEFENDING EFFECTIVELY.





## RECENT SUCCESSES

### TOWN OF ABINGTON v. CITY OF BROCKTON

P&A represented the Town of Abington and its Board of Sewer Commissioners in a complex inter-municipal sewer transport and rate dispute between Abington and the City of Brockton. After commencing an action against Brockton in Superior Court, P&A negotiated a successful resolution for Abington that resulted in Brockton's reimbursement of certain overcharges, adopted a transparent billing structure tied to Abington's proportionate use of the Brockton system, and included increased sewer capacity that substantially enhances Abington's future commercial development opportunities.

### TOWN OF STOW ELEMENTARY SCHOOL BUILDING COMMITTEE

P&A represented the Town of Stow in connection with the MSBA-funded construction of an elementary school, including negotiation of the owner-contractor agreement, resolution of change order claims during construction, and negotiations with the performance bond surety to complete and resolve contractor claims after the original contractor abandoned the project.

### TOWN OF FRAMINGHAM v. TOWN OF ASHLAND

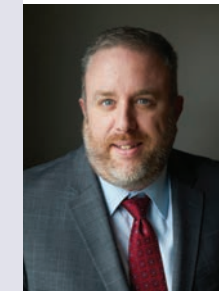
P&A successfully represented the Town of Framingham in sewage transport litigation before the Massachusetts Department of Telecommunications and Energy that addressed the question of the amount Ashland should pay to transport its sewage through the Framingham system to the MWRA. After extensive litigation, Ashland was ordered to increase its annual payment from \$5500 to \$800,000- \$1,000,000 based on usage. Ashland also paid Framingham \$1 million for damage caused to Framingham's system. P&A then represented Framingham in the negotiation of a new a 20-year IMA that assures Framingham these annual payments. As of 2019, Framingham has been paid over \$8 million under the IMA.

*“At every juncture, P&A has provided us with focused, effective, reliable and creative legal advice that has helped us achieve our mission of modernizing the sewer system and assuring safe public drinking water.”*

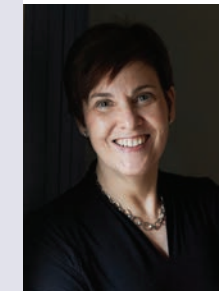
**Peter Sellers**, Executive Director, Framingham DPW



**CHRISTOPHER J. PETRINI** is the founding principal of Petrini & Associates, P.C. in Framingham. Mr. Petrini is City Solicitor to the City of Framingham and serves as special counsel on public construction and infrastructure litigation and counseling engagements to cities and towns throughout Massachusetts. Mr. Petrini has represented over 30 Massachusetts cities, towns and public owners in public construction and infrastructure disputes and litigation over the past two decades. As of 2019, Mr. Petrini has been named a New England Super Lawyer by Thomson-Reuters seven times (2009, 2010 and 2014-18) and a Top 100 Lawyer in New England three times (2016-18), and was recognized by The American Lawyer magazine as one of the top rated attorneys nationally in construction law in 2012. Mr. Petrini is a graduate of Georgetown University (*cum laude*) and Duke University School of Law (with high honors).



**CHRISTOPHER L. BROWN** is a principal at Petrini & Associate, P.C. Mr. Brown has represented owners and contractors in construction defects litigation involving both private and public construction projects, including assisting clients in the enforcement of defense, indemnity and bond obligations, and also assists clients with procurement of owner contracts with OPMs, designers and contractors. For seven straight years (2009-2015), Mr. Brown was recognized as a Rising Star by New England Super Lawyers magazine, and has been selected to the Super Lawyers list in 2017 and 2018. Mr. Brown is a graduate of the Illinois Institute of Technology and Northeastern University School of Law, and is a veteran of the United States Army.



**AMANDA ZURETTI** is an attorney at Petrini & Associates, P.C. Ms. Zuretti's practice includes real estate, land use, public procurement and general municipal law. In addition to providing support to municipalities and districts for M.G.L. c. 149 and M.G.L. c. 30, Sec 39M public construction bids, Ms. Zuretti manages municipal land acquisition and disposition in fee, lease and licensing transactions, and has represented many municipalities in MassDOT projects requiring right of way acquisitions. She is a graduate of Bates College and the Northeastern University School of Law. She is also admitted to practice in New Hampshire and the United States District Court for the District of Massachusetts.



**MICHAEL K. TERRY** is of counsel with Petrini & Associates, P.C. His practice focuses on land use and general civil litigation. His legal experience includes construction litigation representing owners and contractors, real estate title and zoning appeal litigation and general business disputes. Mr. Terry has tried cases in the Massachusetts District, Superior, Probate and Land Courts and in the Massachusetts and New York Federal District Courts. Mr. Terry is a graduate of Castleton University and Suffolk University Law School.

**P&A** provides advice and representation at all stages of the public construction process, in both vertical and horizontal construction projects.

We have abundant experience in construction litigation. We represent numerous public owners in litigation involving a variety of issues arising in public construction, including with respect to:

- + Contractual disputes arising from the bidding process
- + Claims alleging changed circumstances or scope of work
- + Claims in quantum meruit to recover contract balances
- + Claims seeking liquidated damages for delay
- + Claims for breach of contract arising from default by contractors

Our clients include large cities, towns and public agencies in this specialized area of practice.

P&A also has significant experience representing municipalities in disputes over public infrastructure and in IMA litigation.