



Doug Shevelow

Partner



Doug Shevelow's practice includes litigation and transactional law pertaining to heavy/highway and other construction issues for owners and contractors. Issues include differing site conditions, implied warranty of plans and specifications, underground utility protection, and bid disputes. He has prepared and negotiated numerous general contractor, construction manager-at-risk and design-build construction contracts for contractors and public and private owners, including a \$500 million manufacturing plant, a \$320 million hospital project and an \$80 million wastewater treatment plant rehabilitation. He also serves as a mediator in construction matters, and has conducted numerous bench and jury trials arising out of construction defects, design defects, and contractor claims for additional payment. Doug has successfully represented construction project owners, contractors and design professionals regarding claims for faulty design, project delays, utility interferences and construction defects.

Doug also has significant experience representing clients against citations issued by OSHA and asserting defenses such as employee misconduct, inapplicability of the cited standard, greater hazard, and non-exposure to the hazard.

Doug is a registered professional engineer in the State of Ohio, having practiced engineering for over twelve years before becoming an attorney. This background helps him quickly understand the sorts of technical issues that often arise while practicing construction law.

Bar Admissions & Activities

- Admitted, State of Ohio, 2004
- Admitted, U.S. District Court, Southern District of Ohio, 2007
- Admitted, U.S. District Court, Northern District of Ohio, 2013
- Member, Columbus Bar Association; American Bar Association

Education

- Capital University (J.D., *summa cum laude*, 2004); Order of the Curia
- The Ohio State University (B.S., Civil Engineering, 1990)

Awards & Recognition

- Listed, *Best Lawyers in America* (Construction Law), 2014–2023
- Recognized, *ChambersUSA*, Construction - Band 3, 2021–2023; Band 4, 2015–2020

CONTACT INFORMATION

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INDUSTRIES & PRACTICES

Manufacturing
Health Care Industry
Public Sector
Business Law
Litigation

Doug represents owners and contractors in connection with a broad range of construction disputes and transactional matters, such as the negotiation of design-build agreements. Interviewees consider him to be "a pragmatic lawyer with good judgment."

As quoted in Chambers USA, 2018



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- Listed, *Ohio Super Lawyers* (Construction Litigation: Business; Environmental), 2017–2021
- Rising Star, *Ohio Super Lawyers*, 2012–2014
- Listed, *Legal 500*
- Recognized, The Ohio Society of Professional Engineers for achieving the highest grade in the state on the 1994 Environmental Engineering Examination for Professional Engineers

Presentations & Published Works

- Presenter, "2023 Construction Cost Escalation and Supply," Ohio Hospital Association Annual Meeting, June 2023
- Presenter, "Using Term Agreements to Simplify & Streamline Construction Procurement," Ohio Hospital Association Annual Meeting, June 2021
- Speaker, "Road Use Maintenance Agreements (RUMAs)," *The Acronyms of Oil and Gas Law*, Columbus Bar Association, September 2017
- Speaker, "Risk Management in Health Care Construction," Ohio Hospital Association Annual Meeting, June 2017
- Speaker, "Sole Source Procurement in Treatment Plant Construction," CCAO/CEAO Annual Winter Conference, December 5, 2016
- Speaker, "Road Use Maintenance Agreements," Ohio Township Association Township Law Directors' Group Meeting, December 2, 2016
- Speaker, seminars sponsored by Bricker & Eckler and other organizations, including Ohio Contractors Association, Ohio Sanitary Engineers Association, County Commissioners' Association of Ohio, Ohio Society of Professional Engineers, Engineers Foundation of Ohio, Construction Standards Institute, United States Department of Agriculture Rural Development, Professional Land Surveyors of Ohio, and Central Ohio Organization of Public Purchasers.

Experience

First greenfield project in the United States

Represented an international paper products manufacturer in connection with the establishment of the first greenfield project in the United States. This Project involved the creation of a public-private partnership to finance the necessary infrastructure, including a 12-mile gas line. The Bricker team included construction, environmental, public finance and real estate attorneys.

Water/wastewater treatment equipment issues

Represented multiple utilities against different manufacturers of large-scale treatment equipment such as coarse screening equipment, membrane bioreactors, tertiary filters, and nano filtration arrays that did not meet performance expectations.



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Defective sanitary sewer construction

Represented five different counties against sewer contractors and their sureties because of defective and incomplete work, leading to settlements between \$1 million and \$5 million.

Surface water treatment plant delay

Represented a public owner in a lawsuit against a contractor when a \$14 million surface water treatment plant was delivered over a year late and the contractor made claims for additional payment.

Delay claims on highway service plaza construction

Represented a heavy/highway contractor against a highway authority in connection with delay claims on the construction of a service plaza.

Regional lift station construction

Represented a developer in trial against a municipality regarding adequacy of design and construction of a regional wastewater lift station.

Utility Damage

Representing one of the largest U.S. engineering firms against claims arising out of damages to fiber optic cable during construction of highway interchange.

Wrongful death

Represented a self-insured general contractor in a workers' compensation subrogation against a subcontractor responsible for an accident that caused death of an employee on a bridge construction project.

Upland reservoir construction

Represented a city against a contractor's claims of differing site conditions and defective plans on an upland reservoir that covered 100 acres.



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\$1.3 billion health system construction projects

Advise and assist Indiana's largest private, not-for-profit health system with three projects that are among the largest construction projects the system has ever undertaken, with total costs expected to exceed \$1.3 billion over several years. The first project involves construction of a new campus location in the downtown area. The second project involves a new facility on a university campus. The third project involves renovating 150,000 square feet of the vacated children's hospital to create a maternity hospital. Bricker's role is to provide the legal services specific to the construction of health care facilities, while Indiana co-counsel is expected to provide more general construction advice.

International manufacturer facility in central Ohio (construction counsel)

Retained by an Italian-based company to serve as construction counsel for a 1.4 million-square-foot manufacturing facility in central Ohio. The project included a combination of fast track, construction manager at risk, and design/build delivery.

Corporate headquarters expansion

Represented an international construction manager in trial against a contractor's claims of negligence, fraud and interference on a project for expanding the headquarters of an international manufacturer.

Asphalt price adjustment

Represented a paving contractor in a trial against a city that refused to pay for a price increase caused by an upwards adjustment to the Asphalt Binder Index.

Historic covered bridge

Represented a county engineer in a lawsuit against a terminated bridge contractor when a dispute arose over the scope of work.

Asphalt pavement rutting

Represented a contractor in an Ohio Court of Claims lawsuit against the Ohio Department of Transportation after payment was withheld when pavement rutted prematurely.

Parking lot damage defense

Defended a sitework contractor in a third-party complaint brought by an engineer after a stormwater collection, conveyance and storage system failed, damaging a parking lot.



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Landfill liner construction

Represented a landfill contractor in a lawsuit where the subcontractor made claims for delay damages.

General contractor payment failure

Represented an engineer in a matter where the general contractor failed to make payment for surveying and construction inspection services.

Bid disputes against public agencies

Represented several contractors in bid disputes against public agencies, resulting in the issuance of several temporary restraining orders.

Conflicting service area claims

Defended a village against a neighboring village's lawsuit regarding conflicting service area claims.

Sanitary sewer differing site conditions

Represented a developer when a subcontractor was unable to complete a sanitary sewer due to soft ground conditions.

Pavement subsidence

Represented a public owner in a lawsuit against contractors, sureties and engineers after a roadway pavement subsided above a sanitary sewer installed over ten years prior.

Concrete drive in industrial park

Represented a general contractor in trial against a concrete paving subcontractor where the pavement deteriorated prematurely.

Hospital design-build project

Assisted with drafting and negotiating design-build contract for a private hospital. Project value exceeded \$320 million.



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School construction subsidence

Represented a school district when a sudden subsidence episode severely damaged its nearly complete middle school.

Water and wastewater bids

Prepared numerous water and wastewater bid package and contract documents.

Airport construction

Represented an airport authority against a contractor's claims of defective plans and differing site conditions.

Underground utility mismatch

Represented a homeowner when new garage was built over mismatched high pressure gas transmission line.

Failed subcontractor

Represented a general contractor against payment claims from remote subcontractors and suppliers when a first tier subcontractor became insolvent.

Failed pavement

Represented general contractor against claims made by township when full depth reclamation and cement stabilization did not meet expectations.

Fire department renovation contracts

Prepared and negotiated criteria architect and design-build contracts, as well as architect and general contractor procurement/bidding documents for the design and construction of new township fire department facilities.

County and city template contracts

Create template architect agreements, engineer agreements, bidding documents and owner-contractor agreements for public entities including cities and counties.



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Hospital contract templates

Prepared template architect/engineer, construction manager, contractor and other consultant agreements for both public and private hospitals to be used for different project delivery methods and with projects of varying sizes and scope.

Wastewater treatment entities

Provided outside legal consulting services and prepared wastewater bid packages and contract documents for Ohio's three largest wastewater treatment providers.

Hospital ambulatory care construction manager at risk projects

Assisted a private health care system in negotiating and preparing design professional and construction manager at risk agreements for several ambulatory care projects. The project values ranged from \$18 million to an anticipated \$26 million.

Faulty restoration of historic building

Represented a library in connection with faulty restoration design and construction that jeopardized an historic building.

Landfill project component failure

Represented a contractor in a lawsuit against a public owner when payment was withheld after a component of the landfill project failed.

Construction dispute mediation and arbitration

Served as a mediator and arbitrator on several complex construction disputes.

School roof system failure

Represented a school district against an architect, general contractor and supplier in connection with the failure of a vented nail base roof system.

Hotel Construction

Represented general contractor in a dispute with subcontractor over claims of defective and non-conforming work.



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Waste to Energy

Represented county in negotiations to design and construct large energy recovery retrofit and improvements to existing wastewater treatment plants.