

William D. Wickard

Of Counsel

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OVERVIEW

Bill Wickard is a construction lawyer, concentrating his practice on dispute resolution, construction contract negotiation, and public procurement.

Bill has a very active procurement practice, handling local, state, and federal bid protest proceedings throughout the country and advising clients on a multitude of issues that arise during and after the procurement process. Bill has been involved in bid protests in almost every state, as well as the District of Columbia, Guam, and Puerto Rico. He also has familiarity with public records and sunshine acts and routinely assists clients obtain public records or maintain the confidentiality of their own information submitted to public agencies.

His litigation practice includes representing clients in disputes subject to arbitration, before a number of state and federal courts and before government agencies with respect to a wide variety of matters. He has extensive construction litigation experience and has represented owners, contractors, subcontractors, suppliers, engineers, and architects in various disputes involving scheduling, delay, inefficiency claims, defective work, mechanics' liens, prompt payment claims, bond and insurance claims. Bill has handled all phases of litigation, including jury trials, bench trials, injunction hearings, and TRO proceedings.

Bill also has a very active construction transaction practice. He drafts, negotiates and advises on all types of construction and design contracts. He has extensive experience with all American Institute of Architects (AIA) contract forms. Bill has drafted and negotiated numerous construction and design contracts for a wide variety of domestic and international projects, including among others, sports arenas, college campuses, power plants, office buildings, hospitals, complex testing facilities, solar power facilities, oil and gas facilities, wind farms, water treatment plants, and steel mills.

SPEAKING ENGAGEMENTS

- “Progressive Design-Build in Construction: Risks and Benefits,” presented for Strafford Publication (2026)
- “Design-Build Projects: Key Issues,” presented for Strafford Publication (2024 and 2025)
- “Anticipating New Tariffs: Impact on U.S. Construction Projects and Key Strategies to Mitigate Risk,” presented for Strafford Publication (2025)

- "Construction Contracts: Termination for Convenience v. Termination for Cause," presented for Strafford Publication (2022, 2023 and 2025)
- "Payment Provisions in Construction Contracts," presented for Strafford Publication (2023)

EDUCATION

- J.D., University of Pittsburgh School of Law, 2001 *(magna cum laude; Order of the Coif; Articles Editor and Editorial Board Member, University of Pittsburgh Law Review)*
- B.A., Grove City College, 1998

ADMISSIONS

- Bar of Pennsylvania
- United States Court of Appeals for the Third Circuit
- United States District Court for the District of Colorado
- United States District Court for the Western District of Pennsylvania

THOUGHT LEADERSHIP *POWERED BY HUB*

- 27 February 2017, Pennsylvania's New "State Construction Notices Directory" and the Implementation of Significant Changes to Pennsylvania's Mechanics' Lien Law

OTHER PUBLICATIONS

- Co-Author, "Consequential Damages Waivers, An Important Contracting Tool," *The Expert Report, the Newsletter of the Duggan Rhodes Group*, Winter 2012.
- Co-Author, "Engineering, Procurement and Construction Agreement," *SolarTech Project Finance Contract Templates*, December 1, 2010.
- Co-Author, "The False Claims Act in Today's Construction Industry," Chapter 4 of *2008 Construction Law Update*, published by Aspen Publishers.
- Co-Author, "Waving Good-Bye to Consequential Damages: Drafting Effective Waivers in Today's Marketplace," presented at *The Construction Superconference*, December 12-14, 2007.
- Co-author, "Beyond EPLI: Coverage Issues for Employment-Related Claims," *Mealey's Litigation Report: Employer Liability Insurance*, January 2003 (Also presented at *Mealey's Employment Liability Insurance Conference*, June 24-25, 2002).
- "Experts and *Daubert* Issues in Mold Litigation," presented at *The Pennsylvania Bar Institute's Dealing with Mold Claims*, January 29, 2003 and presented at *Solving Water Intrusion and Mold Problems*, May 14, 2002.

- Co-author, “Recovering Construction Contract Damages Using the Total Cost Method, the Modified Total Cost Method, or the Abandonment of Contract/Cardinal Change Doctrines,” presented at *The “Contractor's” Construction Superconference*, December 12-13, 2002.
- Co-author, “Recent Employment Practices Liability Insurance Coverage Litigation,” *Mealey's Litigation Report: Employer Liability Insurance*, November 2002. (Also presented at *Mealey's Employment Liability Insurance Conference*, June 24-25, 2002).
- “*University of Alabama Board of Trustees v. Garrett*: The ADA's Eleventh Hour of Eleventh Amendment Abrogation,” *Construction Law and Business*, November/December 2001.
- “The New Americans without a Disability Act: The surprisingly successful plight of the non-disabled plaintiff under the ADA,” The University of Pittsburgh Law Review, Summer 2000.

AREAS OF FOCUS

- Construction and Infrastructure

INDUSTRIES

- Energy

EMERGING ISSUES

- Data Centers and Energy Intensive Infrastructure

REPRESENTATIVE EXPERIENCE

Construction Transaction Experience

- Drafted and negotiated multiple design and construction contracts in connection with a US$30 million plan to upgrade and revitalize numerous public spaces in downtown Pittsburgh, including the construction of Arts Landing, a four-acre outdoor civic space containing public art, an amphitheater, and recreational green space.
- Drafted and negotiated the construction contract for the significant expansion of a publicly held educational technology company’s new headquarters in East Liberty, Pennsylvania.
- Advised a client on construction contracts necessary for redevelopment of a coal-fired power plant into a US$10 billion artificial intelligence and data center with on-site 4.5 GW natural gas-fired power in Indiana County, Pennsylvania, which was reported to be one of the largest capital projects in Pennsylvania history.
- Drafted and negotiated an engineering supervision contract for a large Spanish contractor for a project which involved a high-density computer center powered by a 240 MW co-generation plant to be located in Delaware, New Jersey, or Pennsylvania.

- Drafted and negotiated an early works agreement and design, build, and operate contract for an international EPC contractor for an open-cycle, dual-fuel, combustion turbine power station at an open-pit copper mine in Peru.
- Drafted and negotiated design and construction contracts which were part of US$30 million upgrades to a professional sports arena in Pittsburgh on behalf of an NHL franchise, including two new bunker seats, a VIP club, and upgraded seating.
- Drafted and negotiated a design-build contract for a new US$1.5 billion lithium battery separator plant in Indiana that was funded with Department of Energy grants and loans.
- Drafted and negotiated multiple design and construction contracts for a university's US$100 million robotics innovation center.
- Drafted and negotiated design contracts for a US$60 million hydrogenated nitrile butadiene rubber facility in Texas and another facility in China, both of which are intended to increase the production of rubber needed for producing electric vehicles.
- Drafted and negotiated a design-build contract for the expansion of a fuel cell production facility in Pennsylvania.
- Drafted and negotiated construction contract documents for a six-story outpatient center in connection with a Pennsylvania hospital's US$142 million expansion.
- Drafted and negotiated design and construction contracts for the manufacturer's new cryogenic pump testing facility to be built on a former brownfields site in Western Pennsylvania.
- Drafted and negotiated the design and construction contract documents for a five-story hospital annex in connection with a Pennsylvania hospital's US$111 million expansion.
- Drafted and negotiated the design and construction contracts for a new 26,000-square-foot cardiovascular pavilion in Central Pennsylvania Medical Center.
- Drafted and negotiated a construction contract for the construction of an ice hockey rink and athletic complex for a private academy in Massachusetts.
- Drafted and negotiated the design and construction contracts for a new solar power facility in Pennsylvania on behalf of a Denmark-based company.
- Served as construction counsel to a university by drafting and/or negotiating every construction document issued in conjunction with the university's largest expansion in history.
- Drafted and negotiated design-build contracts for a vertical farming corporation for multiple facilities in New Jersey and Virginia.
- Drafted and negotiated multiple construction and design contracts for multiple locations in the United States and Canada for two German solar companies.

Bid Protest Experience

- Represented a telecommunications company in a four-year-long bid protest litigation where the Iowa Court of Appeals issued an opinion denying the protest and appeal filed by the company's competitor and affirming the award of a statewide contract to the company.
- Obtained a protest decision reinstating the proposal of a telecommunications company after the company was disqualified from the RFP process for a statewide contract.
- Obtained a protest decision amending the RFP to remove restrictive requirements that prevented a Canada-based technology company from competing for a statewide contract, and enabled the company to compete for the contract.
- Represented a telecommunications company in bid protest litigation where the court issued a decision voiding the award of a California statewide contract valued at half a billion US dollars and the decision was affirmed by appeals courts.
- Represented a multinational manufacturer of rail transport in connection with a years-long bid protest proceeding in New York Courts in connection with an award of US$900 million in contracts to design, build, operate, and maintain a new airport people mover.
- Defended the award of a Georgia statewide contract in an administrative bid protest proceeding on behalf of a telecommunications company.
- Defended the award of a Puerto Rico telecommunications contract in judicial bid protest proceedings that were ultimately upheld by the Puerto Rico Supreme Court.
- Defended the award of a Kentucky statewide contract in an administrative bid protest proceeding on behalf of a telecommunications company.
- Defended the award of an Oklahoma statewide contract in an administrative bid protest proceeding on behalf of a telecommunications company.
- Defended the award of a Texas statewide contract in an administrative bid protest proceeding on behalf of a telecommunications company.
- Represented a healthcare company in Pennsylvania administrative and judicial bid protest proceedings that resulted in cancellation of the contract award.
- Represented a healthcare company in judicial bid protest proceedings in Tennessee that resulted in cancellation of the contract award.
- Represented a retail foreign exchange company in a bid protest in California that resulted in cancellation of a contract award to a competitor.

Litigation Experience

- Lead counsel for an electrical subcontractor asserting delay and inefficiency claims against the general contractor of a healthcare facility in Florida in a AAA arbitration. Obtained a favorable arbitration decision awarding damages and attorneys' fees and prevailed in subsequent litigation attempting to vacate the award.

- Represented an EPC contractor on a force majeure claim (involving a blockade of a Vietnamese vendor) for a 1000 MW natural gas-fired, combined-cycle, electric generating facility located in North Beaver Township, Lawrence County, Pennsylvania.
- Lead counsel for a lumber company in a breach of contract action. Obtained a defense verdict after jury trial.
- Counsel for a natural gas operator in connection with a breach of contract and negligence action regarding the construction of a large-scale retaining wall at its facility in West Virginia.
- Counsel for a natural gas operator in connection with numerous lawsuits regarding the construction of multiple gas processing facilities in Ohio, West Virginia, and Pennsylvania.
- Counsel for a nonprofit healthcare facility for the elderly and disabled in AAA arbitration and lawsuits against both the construction contractor and architect for claims for delay, defective work, and professional negligence.
- Part of the team that obtained complete dismissal of tort and statutory claims filed against a PPG subsidiary in Colorado court after five years of litigation.
- Part of the team that successfully represented PPG in an AAA arbitration proceeding regarding construction disputes at a Tennessee fiberglass facility.
- Part of the team that successfully represented a Spanish contractor in construction disputes over the Crescent Dunes Solar Project in Nevada.
- Counsel for a German manufacturer in construction disputes related to construction of a carbon black manufacturing facility in Indiana involving multiple proceedings in multiple forums.