

OF COUNSEL

Grant R. Orbach

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📍 Sacramento



Grant R. Orbach is a construction attorney who advises public agency clients on all phases of the construction process, helping develop informed, cost-effective plans to build sophisticated public improvements while safeguarding taxpayer funds from unforeseen costs. Grant's approach to his practice is focused on consulting with the public agency to determine its objectives, and with that information, working to develop a plan to implement those objectives in an efficient manner.

Grant has practiced in this area for the better part of a decade, and as a result has significant experience guiding public agencies through the variety of issues encountered in public construction projects, including by way of illustration and not by limitation:

- Procurement of design and project management services
- Preparation and solicitation of construction contract documents under various delivery models (i.e., traditional design-bid-build, design-build, lease-leaseback, informal bidding under the California Uniform Public Construction Cost Accounting Act and public-private-partnerships
- Resolution of bid protests
- California Environmental Quality Act review and compliance
- Performance and payment bond management
- Prevailing wage
- Change orders and delays
- Project close out and
- Construction claims resolution

Representative examples of Grant's practice are included below:

- Grant is repeatedly brought in by public agencies to defend against untimely, factually unsupported attempts to extract additional payments on construction projects through change orders. Often upon evaluating the matter Grant not only identifies deficiencies with the change orders that prompted his involvement, but also change orders that may have otherwise been thought to be proper but are subsequently determined to be deficient or inflated. In connection with the same, Grant often corresponds with the relevant contractor to audit the change orders in question and to defend against any claim the contractor may otherwise be considering.

CORE PRACTICES

Public Infrastructure
Business Services & School Facilities
Environmental Law & Natural Resources
California Environmental Quality Act (CEQA)
Public-Private Partnerships
Municipal Law
Special Districts
Education Law

EDUCATION & ADMISSIONS

Education

University of the Pacific, McGeorge School of Law, J.D.

University of California, Riverside, B.A., political science, international affairs

Bar Admissions

California

- Grant regularly advises public agency clients with respect to designing a plan to procure a specific project. For example, Grant has handled numerous solar, lighting and HVAC improvement projects, and regularly counsels public agency clients on the relative merits of design-bid-build, design-build and power-purchase-agreement delivery methods in this context.
- Grant is often brought into a project when a contractor falls behind schedule, and in connection with these matters Grant often corresponds with the contractor to advise them of the seriousness of the situation and the potential consequences of such delays continuing. In these matters Grant will often evaluate the contractor's exposure to liability for the delay in question and the means by which the public agency can protect its interests.

Grant is a lifelong Californian.

Notable Experience

- Grant worked with regulatory stakeholders to reduce a two-year projected delay on a public works project caused by alleged contractor negligence to two months. The public agency owner of the project was compensated for the two-month delay on terms mutually satisfactory to the contractor and the public agency.
- Grant was brought into a project where the contractor was observed submitting multiple change orders to a public agency perceived as excessive. Grant defended the public agency in its dealings with the contractor's legal counsel, who ultimately elected not to proceed with the change order dispute after Grant communicated the vigorous and substantial defense (and offense) his public agency client was prepared to mount.
- Grant reviewed a charter school petition submitted by a nonprofit corporation. This review identified substantial apparent misstatements in the charter school petitioner's submittals. Ultimately, the petitioner withdrew its petition before a further public hearing could be held, having becoming aware of what the review had uncovered.

Accolades

- University of the Pacific, McGeorge School of Law, Public Service Scholarship Recipient, 2010-2011, 2011-2012 and 2012-2013

Thought Leadership

Presentations

- "California Uniform Construction Cost Accounting Act," California Public Procurement Officials Santa Clara Valley Chapter Meeting, Aug. 16, 2023