



Kurt E. Thalwitzer

Partner

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Kurt regularly counsels Owners, General Contractors, and Subcontractors in drafting and negotiating the appropriate allocation of risk in complex design/engineering and construction contracts whether AIA, Consensus Docs, or AGC forms (e.g. Owner/Architect Agreements, Stipulated Sum Contractor Agreements; Cost of Work with Construction Manager Fee and Guaranteed Maximum Price; including Design Build Agreements). He has also prepared other construction related contract documents, including purchase orders and enabling contracts, civil planning consultant service agreements, commissioning/inspection service agreements, project or program management representation agreements, and master service agreements (covering various types of work and services).

During the design/construction process, Kurt can provide assistance with drafting and negotiating amendments and change orders, including preparing amendments/change orders for phased design/construction, drafting specialized terms for material escalation and force majeure events, including providing assistance on claims which may arise during the project.

Kurt's ability to focus and devote his practice to primarily complex design and construction contracting is the culmination of many years of diverse business and legal experience. Before attending law school, Kurt held numerous management positions at General Motors Corporation including in manufacturing, production planning, materials management, and supply chain/purchasing (a Senior Buyer in both domestic and international OEM direct materials). He currently represents a large second-tier subcontractor/supplier to first tier supplier to a large European vehicle manufacturer.

After law school, and before Kurt's efforts became primarily devoted to handling design/engineering and construction contracts, Kurt litigated dozens of complex construction litigation matters involving actions for breach of contract (contract balance, retainage change orders, etc.), foreclosure of construction liens, actions against payment and/or performance bonds, including claims for design deficiencies, construction defects, and delay damages (including other impact claims) most of which settled at mediation.

Kurt also counsels Landlords in commercial industrial lease matters (including preparation and negotiation of commercial leases with Work Letter Agreements).

Services

- Litigation
- Construction Industry

Education

- State University of New York at Buffalo (J.D., 1989)
- State University of New York at Buffalo (M.B.A., 1983)
- State University of New York at Brockport (B.S., 1974)

Bar Admissions

- Florida

Court Admissions

- U.S. District Court for the Middle District of Florida

Affiliations/Memberships

- Orange County Association
- American Bar Association
- University Central Florida (UCF) Small Business Association - Advisory Board Counsel Member (to emerging and small businesses), (2007-2023)

Distinctions

- Received UCF Advisory Board Member "Regional Volunteer of the Year Award", (2022)
- *Best Lawyers in America* ®(2025 - Commerical Litigation, Construction Law, Litigation - Construction)