



Ken Beehler, Esq.

Ken Beehler Dispute Resolution LLC

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Ken Beehler is an expert in construction dispute resolution and mitigation. Ken is well-versed and experienced in the issues that arise on complex construction projects and has the background to understand and help parties work through their disputes to reach an equitable resolution to construction claims.

Representative Project Experience

- Gerald Desmond Bridge Replacement Project (Long Beach International Gateway Bridge) (Long Beach, CA): Senior Contracts Manager evaluating contractor requests for change orders, drafting responses to change order requests and disputes, and preparing submissions for Dispute Resolution Board hearings and Project Neutral hearings.
- I-10 Broadway Curve (Phoenix, AZ): Review and advise on design-builder requests for change orders, including assessment of merit and damages. Procurement advisor for design-build procurement, including delivery method evaluation, development of RFQ and RFQ (design-build agreement, instructions to proposers), and participation in one-on-one meetings and negotiations.
- Long Bridge Project (Washington, D.C.): Procurement advisory for VPRA's first major capital project, including delivery method evaluation and RFQ/RFQ preparation (including design-build agreements) for progressive design-build and design-build packages. Participated in industry one-on-one meetings and negotiations to close. Provide claims advisory and develop specification language to address specific project risks.
- Franconia-Springfield Bypass (Springfield, Virginia): Procurement and delivery method advisory for VPRA's first CM/GC project. Developed contract documents and RFP during procurement and advised on risk allocation during price negotiations.
- US-89: I-15 to Farmington (Layton, UT): Procurement advisory for UDOT's first progressive design-build project. Developed progressive design-build contract template, including negotiation of risk allocation through collaborative sessions with owner, design-builder, and consultant teams.
- First/Last Mile TIGER (Salt Lake City, UT): Procurement advisory for UTA's TIGER-funded CM/GC project. Developed CM/GC RFP and contract documents and participated in one-on-ones with industry.



- 32nd St. Underpass (Washougal, WA): Procurement advisory for City of Washougal's first progressive design-build project. Advised on commercial terms of progressive design-build contract documents, as well as the Request for Qualifications and Request for Proposals.
- Blue Line LRT Extension (Minneapolis, MN): Advised the Metropolitan Council on delivery method evaluation for extension of Blue Line LRT, including assessment of best value design-bid-build and CM/GC.
- Inner Harbor Seawater Desalination (Corpus Christi, TX): Procurement advisory for the City of Corpus Christi's progressive design-build desalination facility. Advised on commercial terms for the contract documents and the terms of the RFQ and RFP.
- Austin-Bergstrom Airport Expansion (Austin, TX): Reviewed existing alternative delivery contracts and advised on commercial terms based on national best practices.
- Frederick Douglass Tunnel (Baltimore, MD): Procurement advisory for AMTRAK's first CMAR project. Assisted with and advised on development of CMAR RFP and general terms and conditions.
- Governor Harry W. Nice Memorial Bridge (MD/VA): Reviewed and advised on design-builder requests for change orders, including assessment of merit and damages. Procurement advisor for design-build procurement, including development of RFQ and RFP (design-build agreement, instructions to proposers).
- NMDOT 31-128 Highway Improvements (Carlsbad, NM): Procurement advisory for design-build project, including delivery method evaluation and preparation of RFQ and RFP documents.
- Puget Sound Gateway, Stage 2b, SR 167 (Puget Sound, WA): Procurement advisory for progressive design-build project, including delivery method evaluation and preparation of RFQ and RFP documents.
- US-97 (Bend, OR): Advised on risk allocation issues to mitigate claims and disputes for ODOT design-build project. Reviewed and evaluated design-builder requests for change orders concerning right-of-way availability, differing site conditions, and other issues.
- Frontrunner Strategic Doubletracking [FR2X] (Salt Lake City, UT): Procurement advisory for procurement of rail vehicles to service additions to UTA's Frontrunner line. Developed procurement documents, including Request for Proposals and accompanying contract documents.



- AASHTO: Alternative Delivery Survey: Interviewed state DOTs concerning their experience with alternative delivery (design-build, progressive design-build, P3), drafted summary descriptions for publication, and facilitated AASHTO-led presentation of DOT experiences.
- ODOT Design-Build Implementation Manual: Developed project development and delivery manual for Oregon Department of Transportation design-build projects that implemented best practices to develop and manage design-build projects.

Speaking Engagements/Publications

- Panelist, *Risk Allocation in Construction Contracts*, January 2025, TRB Annual Meeting
- Panelist, *Risk Allocation in Construction Contracts*, July 2024, TRB Legal Workshop
- Panelist, *Progressive Design-Build is the New Design-Build*, 2024 MassDOT Transportation Innovation Conference
- Panelist: *Alternative Delivery*, April 2022, New Mexico Transportation Conference
- Panelist: *Risk Management in Transportation Projects*, July 2019, TRB Legal Workshop
- Co-Author: *Performance Bond Strategies for Project Owners*, 2018
- Panel Moderator: *P3s in Higher Education*, October 2017, San Diego, CA

Professional Experience

- WSP USA, Senior Vice President, 2016-2025: Leader of national alternative delivery support practice, helping clients across the U.S. deliver major capital projects with a focus on minimizing claims and disputes. Worked on a wide variety of projects, including highways, bridges, tunnels, airports, buildings, water, and energy.
- LeClairRyan LLP, Associate Attorney, 2013-2016: Attorney focused primarily on litigation. Handled cases asserting claims of breach of contract, construction disputes, professional liability, fraud and malfeasance, employment and labor, insurance coverage, patent infringement, and product liability. Prepared cases for trial, arbitration, and mediation and negotiated settlements.
- Harris Beach, PLLC, Associate Attorney, 2009-2013: Attorney in litigation practice handling cases involving breach of contract, construction disputes, employment and labor, product liability, patent infringement, and premises liability. Prepared cases for trial, arbitration, and mediation and helped settle numerous cases. Researched applicable law, drafted motions, and conducted extensive discovery for complex matters.



DISPUTE RESOLUTION

Education

- NYU School of Law, JD, 2010
- New York University, BA, Economics, 2007

Bar Licenses

- California
- New York