



James W. Kutz

Member

Harrisburg, PA

T: 717-237-5441

E: jkutz@mcneeslaw.com

Services and sector groups

- Injunctions and Emergency Relief
- Litigation
- Construction

Jim practices in the McNees Construction Law Group. His practice focuses on construction law issues and government procurement law matters, with an emphasis on construction and bid issues with PennDOT and DGS. Jim also maintains a general commercial litigation practice, and regularly litigates construction claims in federal and state courts, AAA arbitration, and before the Pennsylvania Board of Claims. He also has significant appellate court experience, having successfully argued cases before the Pennsylvania Supreme Court, the Pennsylvania Superior Court, Commonwealth Court, and the United States Court of Appeals of the Third Circuit.

Jim's construction law practice includes:

- Preparation of all types of construction claims (delay, inefficiency, acceleration, etc.)
- Project counseling and claims avoidance advice
- Contract drafting and negotiation
- Litigation/arbitration/mediation of construction disputes
- Bid protest and bid withdrawal issues
- Mechanic's liens and payment bond disputes
- DBE advice/good faith efforts appeals

Jim's practice also includes a heavy emphasis on all aspects of the public procurement process. He served as an attorney for the Commonwealth of Pennsylvania Department of Transportation for seven years before joining McNees Wallace & Nurick in 1993. Jim's public procurement practice includes:

- Evaluating bid documents for compliance with all applicable state and federal procurement laws
- Providing advice under the Commonwealth Procurement Code and local procurement statutes
- Providing advice on responses to RFPs and IFBs
- Filing bid protests on public projects
- Resolving Prequalification and Debarment disputes
- Resolving disputes for contractors, service providers, material suppliers, and public bodies on a wide range of procurement issues

- Providing advice to contractors/vendors and public bodies regarding small business and minority contracting programs
- Providing advice and guidance on public/private partnerships
- Resolving Right to Know Request issues
- Resolving issues under the Steel Products Procurement Act

Jim regularly represents several trade associations, primarily relating to the public construction contracting process. He is counsel to Associated Pennsylvania Constructors, a trade association for the highway construction industry in Pennsylvania. He regularly lectures on issues of construction law and public contracting, and has published dozens of articles on construction issues and public contracting issues, including authoring a regular column in Highway Builder Magazine.

Representative experience

- PennDOT bid process: Obtained permanent injunction from the Commonwealth Court and Pennsylvania Supreme Court involving a two-step best value bid process on PennDOT projects.
- PennDOT project dispute: Obtained multi-million-dollar settlement in a Board of Claims dispute involving a PennDOT project in McKean County.
- Arena project dispute: Obtained multi-million-dollar settlement involving an arena project in Luzerne County.
- School district construction dispute: Obtained jury verdict in Dauphin County on behalf of a school district against a plumbing contractor following partial collapse of a utility tunnel.
- Construction residency requirement: Obtained ruling from the Third Circuit Court of Appeals that a Pennsylvania statute requiring construction workers to be Pennsylvania residents was unconstitutional.
- Highway construction contracts: Obtained dozens of favorable settlements on highway construction contract disputes for contractors.

Education

- University of Pittsburgh School of Law, J.D.
- Millersville University, B.A.

Admissions

- Pennsylvania
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Middle District of Pennsylvania
- Pennsylvania Supreme Court

Recognition

- Lawyer of the Year, Best Lawyers®, 2015, 2027
- The Best Lawyers in America®, Best Lawyers, 2008-2026
- Local Legal Leader, 2016
- Select Lawyers, 2014-present
- Lawyers of the Year®, 2014

Professional and community involvement

- Pennsylvania Bar Association
- Dauphin County Bar Association