Stephen P. Withee

Partner

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Industries

Finance

Industrials

Manufacturing

Multifamily Housing

Practice Areas

Commercial Finance

Construction

Government Contracting

International Services

Litigation

Public Finance

Public-Private Partnerships (P3)

Bar Memberships

Ohio

West Virginia

Steve represents participants in the construction industry with disputes in mediation, arbitration and litigation relating to disruption and interference claims, construction defects, wrongful terminations from state and federal contracts, bid disputes and lien foreclosures. He also provides counseling to industry clients by providing a variety of services, including risk management advice and contract drafting. Steve leads the firm's Industrials Industry Team.

In addition to his construction practice, he regularly represents clients from various industries in federal government contract matters. These include advising clients on issues related to regulatory compliance issues, small business program matters (8(a), SDVOSB, VOSB, HUBZONE and WOSB), size and status protests, bid protests and disputes.

Practicing since 1995, he is admitted in Ohio and West Virginia and is a member of the ABA Forum on Construction Industry, the ABA Public Contract Law Section, the ABA's Construction Litigation Committee, AGC of Ohio, the OSBA and the Columbus Bar Association's Construction Committee. He is also active in the Central Ohio Builders Exchange, where he chaired the Law Group and was a graduate of the Builder's Exchange Rising Leader's program.

Steve's Relevant Experience

Legal Work Highlights

Drafted and negotiated series of contracts relating to logistics company's facility expansion which utilized combined public and private funding.

Advised operator of parking facilities of major university regarding various issues related to capital improvement projects, drafted and negotiated construction contracts and assisted in creating contracting protocol and system to ensure consistent process.

Represented owner in claim against design-builder for failure to properly design and construct multi-use entertainment facility.

Negotiated design-build contract for construction of medical office building and laboratory suites with a project value of $10 million.

Drafted and negotiated contracts on behalf of owner with construction manager, architects and owner's representative for multiple school construction projects.

Represented general contractor in claim against school based upon owner's failure to properly coordinate and schedule project.

Obtained judgment in favor of general contractor in arbitration against hotel owner seeking additional costs arising from owner-caused inefficiencies and uncompensated additional extra work.

Represented general trades contractor in prosecuting a claim against school involving claim against school board for various disruption costs while defending delay and acceleration claim asserted by masonry subcontractor.

Successfully defended defective construction claim against concrete contractor seeking over $2 million in damages.

Represented surety seeking declaration that public owner improperly terminated surety from its obligations under the bond.

Conducted trial in the Armed Services Board of Contract Appeals challenging termination for default of mechanical contractor.

Successfully defended SDVOSB general contractor in size and status protests in front of SBA OHA.

Advised environmental service contractor on issues related to alleged organizational conflict of interest related to DOE contract and prepared OCI mitigation plan to address same.

Counseled construction material supplier in dispute involving questions under Truth In Negotiations Act.

Represented SDVOSB in REA and eventual claim arising out owner caused inefficiencies on hospital HVAC upgrade project.

Counseled numerous contractors regarding potential regulatory impact of various transactions which have included advice to environmental service contractor on impact of stock sale on 8(a) status, representation of SDVOSB architectural and engineering firm on alleged status issues raised by CVE arising out of its multiple locations, and advice to SDVOSB regarding potential impact of profit sharing plan on SDVOSB status.

Other Info About Steve

Education

Washington and Lee University School of Law, J.D., 1995

Miami University, A.B., 1992

Recognition

The Best Lawyers in America®, Construction, 2014-2027

Chambers USA, Construction, 2026

Selected to *Columbus CEO*'s Top Lawyers list, Litigation – Construction, 2025

Ohio Rising Stars®, Construction Law, 2006-2007, 2009

Professional Affiliations

American Bar Association Forum on the Construction Industry, Assistant Editor for online edition of Under Construction newsletter

American Bar Association Litigation Section, Construction Litigation Committee; Ohio case law editor for *Construct!*

American Bar Association, Public Contract Law Section

Builders Exchange of Central Ohio, Chair, Law Group; Education Task Force

Associated General Contractors of Ohio Education Foundation, Trustee

Associated General Contractors of Ohio, Legislation Committee

Associated General Contractors of Central Ohio

National Association of Manufacturers

National Defense Industrial Association

Major Publications

"Overcoming Hurdles to Enforcing Third-Party Subpoenas for Documents in Construction Arbitration," *Columbus Bar Lawyers Quarterly*, Summer 2023: 52-53

State-by-State Guide to Design and Construction Contracts and Claims, Third Edition, Ohio Chapter, 2023-2025

Guide to Fixed-Price Supply Subcontracts Terms and Conditions, Fifth Edition, American Bar Association Section of Public Contract Law, Contributor

Featured Articles

The Most Sweeping Federal Grant Overhaul in a Generation: What Every Award Recipient Needs to Know

President Trump Issues New DEI-related Obligations for Federal Contractors and Subcontractors

Texas Adopts the Uniform Interstate Depositions and Discovery Act

Overcoming Hurdles to Enforcing Third-Party Subpoenas for Documents in Construction Arbitration

Federal Contractor Vaccine Mandate Remains Blocked in Kentucky, Ohio, and Tennessee

Federal Court Blocks Enforcement of Federal Contractor Vaccine Mandate Nationwide

Federal Court Blocks Enforcement of Federal Contractor Vaccine Mandate in Kentucky, Ohio, and Tennessee

ODOT Defers Two Major New Construction Projects to FY 2021 Following Ohio Governor's Latest COVID-19 Order

OMB Orders Agencies to Realign Operations to Slow Spread of COVID-19

Ohio Supreme Court Rules Defective Work Claims Not Covered Losses Under Standard CGL Policies

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