



COLD PEAK LEGAL PLLC

Resources & Handout Outline

1. Alaska Statutes Quick Reference:

- **AS 08.18 - Construction Contractors and Home Inspectors:** Key requirements for licensing, bonding (\$25k general contractor bond; \$20k residential; etc.), insurance (GL \$50k/\$100k, workers' comp), and penalties for non-compliance. Includes advertising rules (must list license number) and restrictions (no false claims of being "bonded" beyond requirement).
- **AS 45.50.471 - Alaska Unfair Trade Practices Act (UTPA):** Prohibits unfair/deceptive business practices. Violations can lead to injunctive orders, **treble damages and \$500 minimum per violation**, plus **full attorney fees for prevailing consumer**. Emphasize honest advertising, truthful promises, and honoring contract terms to avoid UTPA claims.
- **AS 34.35.050 - .120 - Mechanics' Lien Law:** Establishes who can lien (contractors, subs, suppliers with a contract or owner's consent). **Notice of Right to Lien** recommended for subs/suppliers before work. Lien filing deadline **4 months (120 days)** after completion if no notice of completion, or **15 days** after a recorded notice of completion for those without prior notice. Requires lawsuit to enforce lien within 6 months of filing. Include warning that only registered contractors can enforce liens.
- **AS 45.45.900 - Anti-Indemnification (construction contracts):** Void as against public policy any contract clause that makes one party indemnify or insure another for the other's sole negligence or willful misconduct. Ensure contracts limit indemnity to proportionate fault.

2. Licensing & Regulatory Contacts:

- **Alaska Division of Corporations, Business and Professional Licensing:-** for contractor licensing applications, renewals, and verification.
<https://www.commerce.alaska.gov/cbp/main/search/professional>
- **Alaska Department of Labor - Occupational Safety (AKOSH):** workplace safety regulations and resources (to ensure OSHA compliance on job sites).
- **Alaska Labor Standards & Wage Office:-** info on Alaska Little Davis-Bacon (public project prevailing wage) and wage claims (to avoid inadvertently violating wage laws with employees or subs).

3. Contract Checklist for Builders:

- **Contract Basics:** Templates or list of essential clauses: scope of work, payment schedule, start & completion dates, change order procedure, allowances (if any) and how overages are handled, warranty terms (length and coverage), dispute resolution clause (mediation/arbitration), termination clause (for cause and convenience), lien waiver process, insurance requirements for owner (e.g. builder's risk) and contractor.
- **Owner Verification:** Clause or attachment where owner confirms financing is in place (optional for larger projects).

- **Attachments:** Remind to attach project plans/specs, any allowances list, and any special conditions (e.g. winter work provisions).
- **Signatures:** Both contractor and owner must sign; if owner is married (for residential), have both spouses sign (Alaska is a community property state – good practice to bind both).

4. Subcontractor Management Tips:

- Pre-qualification form (collect license, insurance certificates, references).
- Template subcontract agreement with flow-down terms, indemnity and additional insured requirements, and a lien release form.
- Communication protocol: weekly subcontractor meetings or reports to keep subs aligned and issues spotted early.
- Payment process: require subs to submit waivers/releases each pay period; use joint checks if needed for suppliers.
- Encourage subs to give *you* Notice of Right to Lien if you're the GC – it's not bad, it's procedural. In fact, have a system to track any prelien notices from subs and ensure those subs are paid or release before final payments.

5. Dispute Resolution Plan:

- Step-by-step internal process: e.g. “If a client complaint arises: Project manager attempts resolution → escalate to owner of construction company if not resolved → consider third-party inspector or mediator → last resort, legal action.”
- Contact info for local mediation services (some Alaska organizations or retired judges offer mediation in construction disputes).
- Reminders on documentation: attach a sample daily report form or communication log template.
- Lien and bond claim deadlines quick chart (so you don't miss them).

6. Additional Resources for Builders:

- Articles & Guides: “Preventing Disputes in Construction” by Sherman & Howard (summary of communication and documentation tips); “9 Tips for Best-in-Class Builder Contracts” by C&S Insurance (highlights on insurance and contract provisions).
- Alaska Consumer Protection Unit – link to file a complaint (as a builder, know what consumers might do; also you can report egregious unfair competition by others).

Stay safe, build smart, and good luck out there!