



Bernard L. Sacks

Counsel

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Bernard has more than 40 years of experience in highway, construction and maintenance; project management; engineering; design; quality; and guiding technical aspects of large and small engineering and construction projects. He is a strategic ally to clients across a range of industries, helping them develop practical means and methods for the successful implementation of their vision and goals.

Bernard has been involved in public-private partnerships (P-3) for highway, bridge and road projects led by various state DOT's (VA, FL, OK, AK and TX); water and waste water projects; prison renovation; school and private laboratories; hospitals; placing and bonding mechanic's liens; surety claims; trade (union and nonunion); human resource issues; and Foreign Corrupt Practices (FCPA) and False Claims Act (FCA) issues. He is a licensed professional engineer in New York, New Jersey and Florida.

His experience also includes several decades as an in-house senior and corporate attorney for a global engineering consulting firm working in the United States, Eastern Europe, the Middle East, Saudi Arabia, Asia, North Africa, South America and Central America. Bernard has assisted with a range of international matters that include the drafting and negotiation of contracts involving USAID, the World Bank, foreign governmental public funding agencies, private funding sources and host country contracts in Afghanistan, Iraq, Southern Sudan, Saudi Arabia, India, Europe, Asia (Vietnam, Cambodia, Kuwait and the Philippines), Bolivia and Algeria. The projects range from power and energy infrastructure to at-risk asset management (routine and capital maintenance) programs for highways, bridges and rail transportation facilities.

In the area of international transactions and litigation, Bernard's experience includes matters involving FIDIC Conditions of Contract (Red, Yellow and White Book); transportation facilities, roadways, bridges, buildings, schools, medical clinics and the construction and rehabilitation of a hydroelectric power plant. He has helped clients to obtain qualification to do business overseas; import/export customs, duties and license requirements (OFAC, ITAR); federal boycott reporting; foreign ownership; and contract reviews involving issues of liability, indemnification, insurance, terms and conditions.

Bernard has implemented a number of unique insurance programs to secure large contracts and governmental work. He has presented to Lloyds' Syndicates for war/terrorism coverage for Iraq and Afghanistan projects; drafted a stop loss insurance policy to protect its fixed budgets on a P-3 contract; worked on firearms coverage for armed security guards working at a U.S. embassy; and established an offshore captive insurance company (serving as its executive VP) to transition his employer to a self-insured health care program for its employees.



Bernard's practice includes extensive knowledge of international and domestic dispute resolution procedures (mediation, arbitration and litigation) involving governmental and NGO contracts for design, design-build, subcontracts, joint venture agreements and build-operate-transfer (BOT) and build-own-operate-transfer (BOOT) agreements.

Assisting various domestic clients, he has handled issues regarding large nuclear and conventional power generation (coal, oil and hydroelectric/diesel); high-voltage (500-765kV) transmission, instrumentation and control (NUREG survivability); sale, lease and purchase of commercial and residential real estate; and state professional board licensure and practice matters, including New York "grandfathered" corporations.

Before Fox Rothschild

Prior to joining Fox, Bernard was an attorney at an East Coast-based law firm.

Practice Areas

- Litigation
- Architecture, Engineering & Design Professional Firms
- Construction
- International
- International Arbitration

Bar Admissions

- New York
- New Jersey

Education

- Brooklyn Law School (J.D., 1981)
- New York University (M.B.A., 1969)
- City College of New York (B.E.E., 1965)

Memberships

- New York State Bar Association: Institute of Electrical and Electronics Engineers, Senior Life Member
- American Council of Engineering Companies: Legal Counsel Forum