



## Timothy D. Matheny

Partner

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## BIO

Tim Matheny is a Partner in Peckar & Abramson's Dallas office. He focuses his practice on construction providing transactional counsel and representation in disputes and litigation, with extensive experience in all phases of public procurement law, including bid and proposal preparation, contract award controversies, performance-related disputes, and contract claims. Clients value his exceptional legal acumen as well as his results-oriented and no-nonsense approach on important matters that allow companies to advance business growth. He is Board Certified in Construction Law by the Texas Board of Legal Specialization.

Tim's experience as a member of the Air Force JAG Corps enables him to provide key advantages to clients who do business with federal, state, and local governmental entities. His experience in government contract matters includes all levels of government, in both formal and informal proceedings before administrative agendas, boards of contract appeals, and litigation in state and federal courts. Tim has successfully represented a range of clients, including public owners, high-profile general contractors, as well as specialty trade subcontractors.

# HIGHLIGHTS

## ADMISSIONS

- State of Oklahoma
- State of Texas
- The United States Supreme Court
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Tenth Circuit
- United States Court of Appeals for the Federal Circuit
- United States Court of Federal Claims
- United States Court of Appeals for the Armed Forces
- United States Air Force Court of Criminal Appeals
- United States Court of Veterans Appeals
- United States District Court for the Northern District of Texas
- United States District Court for the Southern District of Texas
- United States District Court for the Eastern District of Texas
- United States District Court for the Western District of Texas
- District Court for the Northern District of Oklahoma
- District Court for the Eastern District of Oklahoma
- District Court for the Western District of Oklahoma

## EDUCATION AND COURSES

- Army Judge Advocate General School, Charlottesville, Virginia: Master of Laws in Military Law with a Minor in Government Procurement
- University of Tulsa, J.D.
- University of Texas at Arlington, B.A.

## PRACTICE AREAS

- Construction and Infrastructure
- Construction Dispute Resolution
- Government Contracts
- Surety

## MEMBERSHIPS

- Dallas Bar Association (Construction Law Section - Chair, 2013)
- State Bar of Texas (Construction Law Section Council 2008-2010, Administrative and Public Law Section, Military Law Section)
- Oklahoma Bar Association
- American Bar Association (Public Contract Law Section)
- Board of Contract Appeals Bar Association
- National Contract Management Association (North Texas Chapter - Member, Board Member 2000-2005)
- Construction Financial Management Association (DFW Chapter)
- Design Build Institute of America Southwest Region (Council member, Co-Chair Legal/Legislative Committee 2012-Present)
- TEXO Association (Board Member 2016-2017, Member of Government Affairs Committee)

## AWARDS AND RECOGNITIONS

- *Chambers USA*, 2022-2025
- *Best Lawyers*, 2013-2026

# HIGHLIGHTS CONTINUED

- *Best Lawyers*, “Lawyer of the Year” in Litigation – Construction – Dallas/Fort Worth region, 2020
- *Texas Super Lawyers*, 2013-2025
- *The Legal 500: United States*, “Key Lawyers,” 2024
- Martindale-Hubbell AV Preeminent Rated
- Recipient of The Thomas J. Krauska Award for Outstanding Service as a Military Lawyer in Texas – Military Law Section, Texas State Bar, 1991
- Texas Board of Legal Specialization: Board Certified - Construction Law, 2016-present

## PUBLICATIONS AND PRESENTATIONS

- *Lexology Panoramic: US Construction* (state-by-state) USA – Texas Guide, Contributing Editor
- “Design-Build in Arkansas: What’s Now and What’s Next?,” DBIA Arkansas Chapter - Collaborative Delivery in Arkansas, May 2025
- “Survey of Changes to SBA Small & Disadvantaged Business Programs, Davis Bacon Act and Other Wage Acts and Update on Recent Changes to BABAA,” Dallas Bar Association’s Construction Law Section, June 2024
- “Best Practices and Legal Compliance for Owners and New Practitioners,” Design-Build Institute Of America’s (DBIA) Southwest Regional Conference, May 2024
- “How Many Changes Are Too Many Changes? A Look at the Cardinal Change and Cumulative Impact Doctrines,” 37th Annual Construction Law Conference, March 2024
- “New Certification Requirements for Veteran-Owned Small Business Concerns and Service-Disabled Veteran-Owned Small Business Concerns Seeking Public Procurement Contracts,” P&A Client Alert, January 2024
- “How Many Changes Are Too Many Changes? A Look at the Cardinal Change and Cumulative Impact Doctrines,” Construction Law Conference, January 2024
- “Understanding the Build America, Buy America Act (BABAA), Its Impact on Construction Projects and Best Practices to Ensure Compliance with BABAA,” CFMA Lone Star Conference, September 2023
- “Federal Procurement – Select Issues in Federal Construction Contracting From Formation Through Disputes,” Arkansas State Bar Construction Law Conference, April 2023
- “IIJA Build America, Buy America legislation” 2023 DFW March Luncheon, March 2023
- “Build America, Buy America,” Houston Contractors Association Education Committee Webinar, March 2023
- “New Certification Requirements for Veteran-Owned Small Business Concerns and Service Disabled Veteran-Owned Small Business Concerns Seeking Public Procurement Contracts,” *P&A Client Alert*, January 2023 (co-author)
- “Best Practices for Implementing the New Buy America Requirements,” *AGC Cornerstone Magazine*, Winter 2022 (co-author)
- “Construction Law 101,” TEXO Seminar, October 2022
- “Understanding Buy America Legislation to Avoid Buying Trouble,” 2022 AGC Federal Contractors Conference, June 2022
- “Federal Government Contracting: Year in Review,” P&A Webinar, January 2022
- “TXLEGE Update: How What Happened to Austin Impacts Your Business,” P&A Webinar, June 2021
- “Texas Legislature Puts a Spear in Doctrine Making Contractor Warrantor of Owner Furnished Plans and Specifications,” *P&A Client Alert*, May 2021
- “Law 101 for Contractors,” TEXO Seminar, September 2021
- “Federal Government Contracting: Year in Review” and “Federal Government Contracting: Year in Review - Construction Edition” P&A Webinar, January 2021

# HIGHLIGHTS CONTINUED

- “Construction Law for Contractors,” TEXO Seminar, Farmers Branch, TX, September 2020
- “Use of Design-Build and Alternative Project Delivery Methods,” Arkansas Chapter of the SW Region of DBIA, Bentonville, AR, March 2020
- “COVID-19 Forum: A Series On Managing Risk In Unprecedented Times – Episode 2,” P&A Webinar, April 2020
- “Really? Compliance Issues on State and Local Construction Procurements: Impact of Federal and Texas Statutes,” Dallas Bar Association, Construction Law Section, October 2019
- “Future of the Construction Industry,” P&A Seminar, Dallas, TX, June 2019
- “Are We There Yet? An Update of Our Journey on the Road to Use of Design-Build and All Alternative Project Delivery Methods,” 15th Annual DBIA-Southwest Region Conference, Santa Fe, NM, April 2019
- “Really? Compliance Issues on State and Local Construction Procurements: Impact of Federal and Texas Statutes,” 32nd Annual Construction Law Conference, State Bar of Texas Construction Law Section, San Antonio, TX, February 2019
- “Pay it Forward: Social Programs, Preferences, and Incentives for Federal and State Projects,” Panel participant, 2019 Midwinter Meeting ABA Forum on Construction Law, Los Angeles, CA, January 2019
- “Update on Alternative Project Delivery Methods - New Design-Build Legislation in Oklahoma and Arkansas,” Joint Oklahoma and Tulsa Chapters of the SW Region DBIA, Oklahoma City, OK, September 2018
- *Federal Government Construction Contracts*, Third Edition, American Bar Association Forum on the Construction Industry, pending publication (contributing author, Chapter 12 - Socioeconomic Programs), 2017
- “Public Project Bond Claims: Making a Claim Under the Miller Act and the Little Miller Act Texas Payment Bond Chapter 2253,” Dallas Bar Association, Construction Law Section, January 2017
- “Legislative Update For Southwest Region,” 12th Annual DBIA Southwest Region Conference, Little Rock, AR, May 2016
- “To Bid or Not To Bid That Is The Question” - 29th Annual Construction Law Conference, State Bar of Texas Construction Law Section, San Antonio, TX, March 2016
- “Public Procurement in Texas, Basic Course in Texas Construction Law,” State Bar of Texas Construction Law Section, Dallas, TX, Oct. 2014
- “Demolished or Remodeled? An Update on Sovereign Immunity for the Construction Practitioner,” Dallas Bar Association, Construction Law Section, Dallas, TX, June 2014
- “Use of Construction Manager At-Risk Project Delivery Method in Civil Works Projects,” Trinity River Authority Northern Region, Dallas, TX, May 2014
- “Legislative Update for SW Region,” 10th Annual Design Build Institute of America Southwest Region Conference, Dallas, TX, May 2014
- “More Than One Way to Build A Plant – Use of Alternative Project Delivery Methods in Civil Works Projects,” Water Environment Association of Texas, North Texas Section Meeting, Euless, TX, January 2014
- “Public Contract and Procurement Legislation in Texas, Public Construction Methods and Public Private Partnership Sections,” Faculty Member, Lorman Education Services, Dallas, TX, May 2013
- “Public Contract and Procurement Legislation in Texas, Public Construction Methods and Public Private Partnership Sections,” Faculty Member, Lorman Education Services, Fort Worth, TX, October 2012

# HIGHLIGHTS CONTINUED

- “Legislative Update,” Design Build Institute of America Southwest Region DFW Chapter Meeting, Dallas, TX, November 2011
- “Contract Termination, Basic Course in Texas Construction Law,” State Bar of Texas Construction Law Section, Dallas, TX, November 2011
- “Legislative Update,” 7th Annual Design Build Institute of America Southwest Region Conference, Fort Worth, TX, April 2011
- “Contract Termination, Basic Course in Texas Construction Law,” State Bar of Texas Construction Law Section, Houston, TX, October 2010
- “Public Construction Contracts, Public Contracts and Procurement Regulations in Texas,” Faculty Member, Lorman Education Services, Austin, TX, July 2010
- “Public Contract and Procurement, Design-Build Legislation in Texas,” 2010 Design Build Institute of America Water/Wastewater Conference, Dallas, TX, April 2010
- “Small Business Programs, Domestic Preferences and Labor Policies in Federal and State Procurement,” 23rd Annual Construction Law Conference, State Bar of Texas Construction Law Section, San Antonio, TX, February 2010
- “Prevailing Wage Rates in Construction Contracts, Prevailing Wage Law in Texas,” Faculty Member, Lorman Education Services, Dallas, TX, February 2010
- “Sovereign Immunity in Texas Public Contracting: Did the Passage of H.B. 2039 Make it Safe For Contractors to Perform Public Projects?” *The Construction Law Journal*, Construction Law Section of State Bar of Texas, Volume 4, Number 1, Summer 2006 (Co-Author)
- “The Resurgence of Sovereign Immunity and its Assertion by Texas Cities and School Districts to Avoid Contractual Obligations,” *The Texas Tech Journal of Texas Administration Law*, Volume 6, Book 2 Summer 2005 (Co-Author)
- “Go On, Take the Money and Run: Understanding the Miscellaneous Receipts Statute and its Exceptions,” *The Army Lawyer*, September 1997 and *The Air Force Reporter*, Volume 24, Number 2, September 1997