

CONSTRUCTION LAWLETTER

FOR CONSTR. INDUSTRY PROFESSIONALS, MANAGERS, TRADES & SUPPLIERS

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CONSTRUCTION CLAIMS - CLASSIFICATION

CONSTRUCTIVE CHANGES

Construction Documents:
Subsurface Different From Expected
Drawings & Specifications

- Error(s)
- Omission(s)
- Ambiguities
- Misinterpretation
- Misrepresentation(s)

Interpretation

- Error
- Higher/Lower Standards
- Improper Rejection

Project Management

- Changed Access
- Changed Sequence
- Changed Method
- Changed Manpower
- Changed Trades, Quality

Non-Disclosure / Concealment

Impracticability / Illegality

Impossibility / Force Majeure

CHANGED CONDITIONS

Subsurface Different From Expected

- Rock
- Boulders
- Shale
- Water
- Hazardous Waste
- Permafrost
- Contamination

Subsurface Materials Different From Expected

- Harder
- Softer
- Wetter
- Unstable
- Contaminated

SCHEDULE CHANGES

By Owner

- Failure to Timely Obtain Financing
- Suspends Work
- Terminates Work
- Revised Schedule
- Lack of Timely Approval
- Lack of Timely Selection
- Lack of Timely Payment

By Contractor(s)

- Poor Productivity
- Revised Schedule
- Subcontractor Failure
- Supplier Failure
- Suspends Work
- Terminates Work
- Labor/Material / Supply Shortages

By Subcontractor(s)

(Some and/or all of above.)

By Supplier(s)

(Some and/or all of above.)

DELAYS

By Owner

- Late Financing/ Mortgage Funds, Approval
- Late Key Tenant Approval
- Late Governmental Approvals
- Late Shop Drawing Approvals
- Utilities Not Available
- Directed Manpower Reduction

- Directed Slowdown
- Union Disputes / Lockouts
- Concealed, Latent Conditions

By Contractor

- Late Governmental Approvals
- Late Shop Drawing Approvals
- Utilities Not Avail.
- Removal / Rework
- Lack of Productivity
- Improper or Poor Sequencing

DELAYS (Cont 'd.)

- Improper Project Management
- Late Purchases & Procurement
- Late Deliveries
- Lack of Manpower
- By Subcontractors and/or Suppliers
- (Same as Above)

ACCELERATION

By Owner and/or

By General Contractor and/or

By Lessee and/or

By Lender, Others

- Required
- Directed
- Owner-Enforced Completion
- Date Enforced, Despite Excusable Delays
- Unreasonable

ACCELERATION

(Cont 'd.)

- Punitive
- Business Duress
- Coercive
- Discriminatory

MISCELLANEOUS

- Material Breach(es)
- Scope Changes
- Time Changes
- Price / Payment Changes
- Changes in Timely Payment / Payment for Changes
- Refusal to Accept/Approve Completed Work
- Premature Occupancy / Tenancy
- Cardinal Change(s)
- Wrongful Termination / Discharge
- Labor Disputes / Jurisdictional Problems
- Business Dissolution, Bankruptcy