

Has the Government 'Waived' Goodbye to Strict Compliance with Your Contract Specifications?

A recent Armed Services Board of Contract Appeals decision confirmed that waiver defenses can defeat government demands for strict compliance with contract requirements, reports **Cohen Seglias Pallas Greenhall & Furman**.

Authors **Maria L. Panichelli** and **Alissandra D. Young** explain that the Board found in *Appeal of American West Construction, LLC* that the U.S. Army Corps of Engineers had effectively waived the right to enforce a construction contract specification.

"This meant that the government could not recover from the contractor the difference in the price it paid for the original specification and the lower amount spent by the contractor to perform the deviation," they write. "In a world where the government often has the right to strictly enforce contract requirements and hold contractors financially responsible for any deviation, this decision is a big win for construction contractors."

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