Does a No-Damage-for-Delay Clause Also Preclude Acceleration Damages?

News

Courts are split as to whether damages for a contractor's "acceleration" efforts are distinguishable from "delay" damages such that they may be recovered under an enforceable no-damage-for-delay clause.

Contract Drafting: When is a Cardinal Change 'Cardinal'?

Insight

A recent New York case sheds some light on the use of contract clauses that cover cardinal changes in construction, according to an alert by Henry L. Goldberg for Moritt Hock & Hamroff.

The Case of the Missing Apostrophe in the Contract

Insight

The outcome of a suit involving a contract between a general contractor and a subcontractor hinged on an apparently missing apostrophe in the agreement.

Top Five Construction Contract Modifications to Comply with Texas Law

Insight

To avoid unanticipated liability on construction projects, the parties should modify contracts consistent with Texas law—or at least be aware of the limitations that are in place due to certain Texas statutes.

Ambiguous Limitation-of-Liability Clause Did Not Clearly Restrict Owner's Claims

Insight

A Mississippi federal court denied a defendant's motion for partial summary judgment in connection with a limitation-of-liability clause, according to a Pepepr Hamilton post .

ISO Modifies Wrap-Up Exclusion

Insight

Jeffrey J. Vita of Saxe Doernberger & Vita, P.C. discusses a nagging issue frustrating risk transfer for those parties enrolled in wrap-up insurance programs.

Contractual Insurance Requirements: Traps for the Unwary

Insight

Lyndon Bittle of Carrington Coleman discusses “traps for the unwary” lurking in construction contract insurance requirements, focusing on the ubiquitous commercial general liability policy.

Five Must-Haves for Avoiding Risky Disasters – Insurance Procurement Clauses

Insight

A Brouse McDowell Insurance Blog post discusses the drafting

of insurance requirements in a contract to ensure that, in the event of a loss arising out of the work performed, parties will have assets available for that loss.

N.J. Appellate Court Confirms that AIA Construction Contract Bars Insurer's Subrogation Claim

News

A New Jersey has confirmed that the waiver of subrogation provision in a commonly used form construction contract precluded an insurer's claims against a subcontractor.

Limiting Liability: Three Clauses to Consider in Construction Contracts

Insight

Gordon & Rees LLP's Construction Law discusses three clauses to consider when writing construction contracts, with an eye to limiting liability and maximizing profits.

Indemnification Agreements and Insured Contracts

Insight

When a general contractor engages a sub to perform work on projects, the parties should always reduce their expectations and agreements to a written document in which both sides agree and acknowledge the terms.

Construction Defect Dispute Governed by Contract Disputes Act Not Yet Suited to Being a 'Suit'

Insight

The Southern District of California recently held that a series of demands for a general contractor to investigate and repair several construction defects at a U.S. Army facility did not constitute a "suit" within the meaning of the general contractor's commercial general liability policy.

Call-Back Periods in Call-Back Warranties: Confusion on Other Warranties in Construction Contracts

Insight

A call-back warranty establishes a period of time after the substantial completion of a project within which an owner can call upon a contractor to correct nonconforming work.

The Importance of a Mediation Provision in Construction Contracts

Insight

A construction contract’s dispute resolution clause is a topic that frequently comes up during the drafting of an agreement, writes Mark A. Cobb of Cobb Law Group.

What Should be in Every

Construction Agreement

Insight

Parties to a construction project can have a better agreement by addressing six topics described in a post in The Lien Zone blog.

Arbitration Award ‘Irrational’ Because It Disregards Contract’s Plain-Text to Reach a Just Result

Insight

The Ninth Circuit has ruled in a contract arbitration case that incorporated multiple Federal Acquisition Regulation clauses that govern the recovery of expenses in the event a contractor is terminated for convenience.

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12 Things to Consider When Negotiating a Construction Demolition Contract

Insight

A client alert from Neal, Gerber & Eisenberg offers some

advice on negotiating a demolition contract.

Court Holds That Arbitration Clauses Bind Nonsignatories Who Seek to Enforce Contracts

Insight

A post on the website of Pepper Hamilton describes a North Carolina case that involved non-signatories to a construction contract attempting to avoid the contract's arbitration claim.

Interpreting Indemnity Provisions in Construction Contracts

Insight

Interpretation of contractual indemnity provisions can vary from jurisdiction to jurisdiction. And such interpretations can be wildly divergent and often result in contradictory interpretations and enforcement, according to a Faegre Baker Daniels LLP post.

Teaming Up? Avoid Unenforceable Agreements to Agree

Insight

Teaming agreements are intended to define the relationships, rights and responsibility of all parties involved during both the pursuit of the work.