

Delay Types – Top 4 List

Executive summary. Contractors experience all sorts of delays. This article covers what, arguably, may be the four most common types: inexcusable, excusable, compensable, and concurrent delays.

Where do I start with a delay analysis? Projects can be delayed for multiple reasons and the first question that must be asked to assign responsibility is “Who caused the delay?” That will lead you down the path of inexcusable and excusable delays. In turn, you can then determine who’s paying the bill (in time and/or cost).



What are the types of delays?

Again, it starts with who caused the delay. And as usual, this article covers generally what occurs out there in the construction world (review your contract and/or consult your local construction attorney).

If the delay was caused by the contractor, it’s likely that there will be no time and no money to the contractor. If the delay was caused by a 3rd party, the contractor normally gets time, no money. And lastly, if the issue is owner-caused, then the contractor receives time and money. When the fault of delay is shared or there are concurrent delays, this is a concurrent delay, and an apportionment of responsibility must be agreed upon by the parties.

My story. I’ve submitted on my own behalf many claims and have reviewed several from the owner’s side as well. Some were delay claims, as discussed here, and some were impact claims (say, for labor inefficiency). I think that the attached flow chart is a good place to start with creating, or analyzing, a claim by or from a contractor.

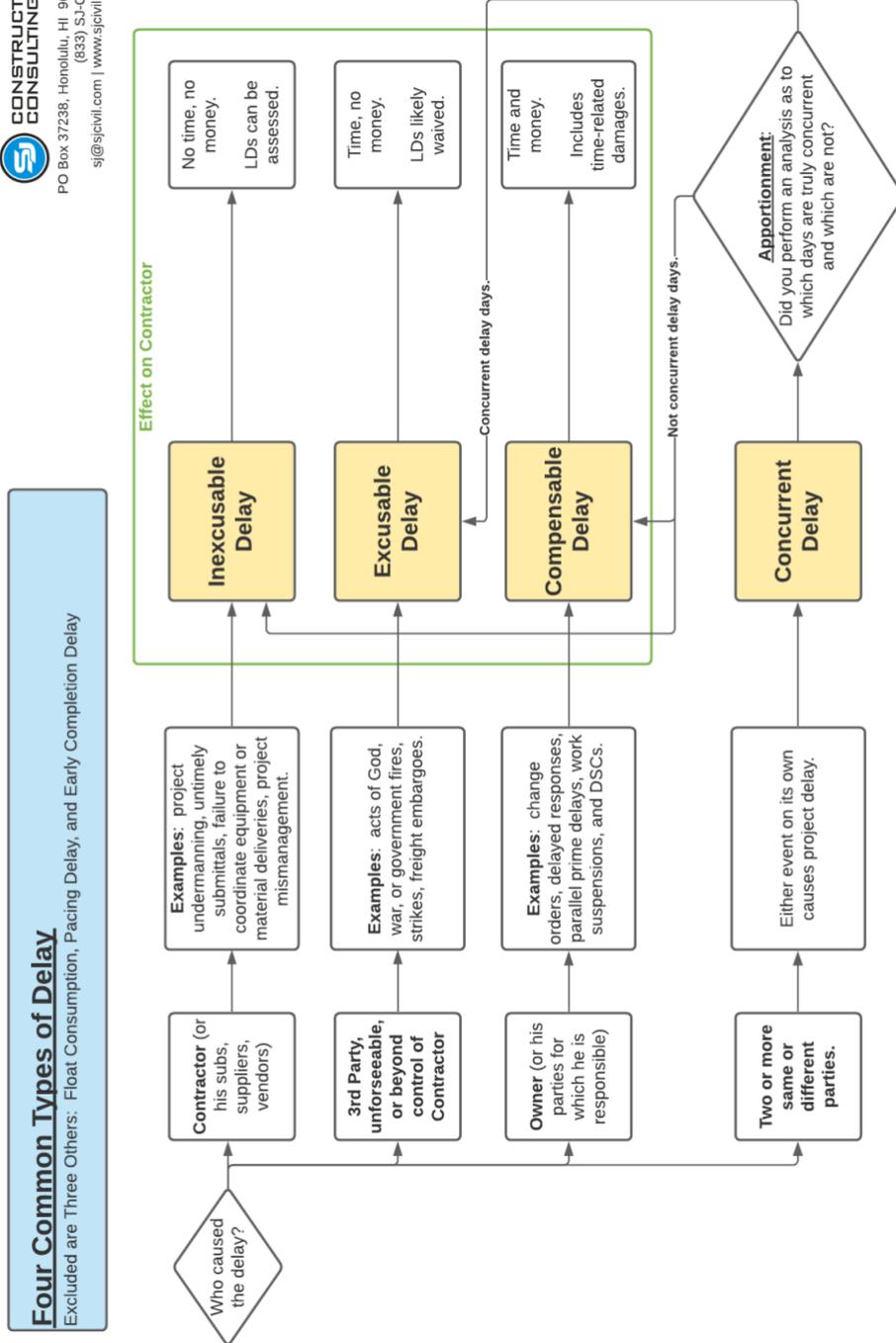


Work safe!

Thanks to Ankura Construction Forum's presentation by James G. Zack, Jr. – they did a good job in helping organize my content.



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