

New York State Delay Damages Bill (A.7945-A) Passed the Senate on June 14th, 2018

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(June 15, 2018 - Woodbury, NY) The Delay Damages bill concerning delay related claims against public entities passed the NYS Senate on Thursday, June 14th by a vote of 59-0. This long championed bill, if passed by the Assembly and signed by the Governor, will allow contractors and subcontractors to bring claims for delay damages or inefficiency damages, and will finally make public entities responsible and accountable for their actions. The “no damage for delay” clauses typically found in prime contracts issued by public entities that have been upheld by the courts of the State of New York would be superseded by this new statute. This important legislation would enable contractors and subcontractors to recover excess costs incurred on public projects when the public entities breach the contracts due to the acts and omissions by their personnel, and not let the public entities and their employees hide behind a “no damage for delay” clause.

UPDATE: June 20, 2018 - The Delay Damages Bill legislation has been approved by both the NYS Senate and the NYS Assembly, now awaiting Governor Cuomo's Signature.

Read *UPDATE: December 28, 2018.*