



## The Dotted Line: Supply chain woes lead to possible breach, defect claims, Construction Dive, quoted Andrew Richards

Nearly two years into the the COVID-19 pandemic, construction attorneys say that material availability and skyrocketing prices are resulting in breach of contract claims, and the potential for construction defect issues years down the road. "Claims for late project delivery are arising from the unavailability of necessary materials, supplies or components," said Matthew D. Harper, a member of the construction law practice at Eastman & Smith in Toledo, Ohio. Those issues are impacting the relationships between owners and contractors, as well as causing friction between contractors and suppliers...

Andrew Richards, chair of the construction practice group at Kaufman Dolowich & Voluck in New York, said the current environment includes project sponsors putting more pressure on construction firms to get the job done. "Owners are holding liquidated damages over the heads of contractors."

"A real problem develops where the contractor is faced with the choice of potentially being held with liquidated damages if the original material to be installed is not available, but a more expensive material is available," Richards said. "The contract will most likely not give the contractor the right to a change order for the difference in cost." Full article found at the link below.