

P. J. KEANE & A. F. CALETKA

SECOND EDITION

# Delay Analysis in Construction Contracts

WILEY Blackwell

# Delay Analysis In Construction Contracts

**Yicheng Fang**



## **Delay Analysis In Construction Contracts:**

Delay Analysis in Construction Contracts P. John Keane, Anthony F. Caletka, 2015-06-29 The most significant unanticipated costs on many construction projects are the financial impacts associated with delay and disruption to the works. Assessing these and establishing a causal link from each delay event to its effect contractual liability and the damages experienced as a direct result of each event can be difficult and complex. This book is a practical guide to the process of delay analysis and includes an in depth review of the primary methods of delay analysis together with the assumptions that underlie the precise calculations required in any quantitative delay analysis. The techniques discussed can be used on projects of any size under all forms of construction contract both domestic and international. The authors discuss not only delay analysis techniques but also their appropriateness under given circumstances demonstrating how combined approaches may be applied where necessary. They also consider problematic issues including who owns the float concurrent delay early completion programmes and disruption. The book has been brought fully up to date including references to the latest publications from the CIOB AACEI and SCL as well as current case law. Broad in scope the book discusses the different delay analysis approaches likely to be encountered on national and international projects and features practical worked examples and case studies demonstrating the techniques commonly used by experienced practitioners. This is an invaluable resource to programmers and schedulers delay analysts contractors architects engineers and surveyors. It will also be of interest to clients professional advisors managing extension of time or delay claims as well as construction lawyers who require a better understanding of the underlying assumptions on which many quantitative delay analyses are based. Reviews of First Edition John Keane and Anthony Caletka are pukka analysts in that tricky area of delays programming and extension of time. I highly recommend their book *Delay Analysis in Construction Contracts*. Buy the book *Building Magazine* February 2009. The book's stated purpose is to provide a practical guide for those interested in schedule delay analysis. It provides a good in depth review of the most common delay analysis techniques. An excellent book full of practical tips for the reader and very timely in its publication. It is well worth the cost and a good read for anyone involved in schedule delay analysis. *Cost Engineering* February 2009. It achieves in spades its stated aim of being a practical guide for contractors contract administrators programmers and delay analysts as well as construction lawyers who require a better understanding of the underlying assumptions on which many quantitative delay analyses are based. *Construction Law Journal* 2009. *Delay Analysis in Construction Contracts* P. John Keane, Anthony F. Caletka, 2009-01-26 The most significant unanticipated costs on many construction projects are the financial impacts associated with delay and disruption to the works. Assessing these and establishing a causal link from each delay event to its effect contractual liability and the damages experienced as a direct result of each event can be difficult and complex. This book is a practical guide to the process of delay analysis and includes an in depth review of the primary methods of delay analysis together with the assumptions that underlie the precise

calculations required in any quantitative delay analysis The techniques discussed can be used on projects of any size under all forms of construction contract both domestic and international The authors discuss not only delay analysis techniques but also their appropriateness under given circumstances demonstrating how combined approaches may be applied where necessary They also consider problematic issues including who owns the float concurrent delay early completion programmes and disruption The book which is well illustrated features practical worked examples and case studies demonstrating the techniques commonly used by experienced practitioners This is an invaluable resource to contractors architects engineers surveyors programmers and delay analysts and will also be of interest to clients professional advisors managing extension of time or delay claims as well as construction lawyers who require a better understanding of the underlying assumptions on which many quantitative delay analyses are based

Construction Delay Analysis Simplified  
Hendrik F Prinsloo, 2020-03-10

This book is written for busy professionals who need guidance on Delay Claims The content is informed by intensive research conducted over many years aimed to simplify Delay Claims The research produced a groundbreaking New Delay Analysis and formulation method The method has been presented at numerous international conferences and is being utilized in several different countries The easy to read book shares information on the following key topics Basic and advanced delay analysis terminology Delays causes from 21 international studies on delays Analyze Formulate claims for typical delays 6 Easy Steps to Formulate Delay Claims Explanation of common Delay Analysis Methods Planned vs As Built Impacted As Planned Collapsed As Built Window Analysis Time Impact Analysis Explanation of Complex Delay Analysis Concepts Cause effect Float ownership Concurrent delays Prospective and Retrospective delay analysis 5 Easy Steps to Analysis delays with the new Method How to apply this Method with construction Form Contracts Minimize Disputes with the new delay analysis method Participants in the construction industry do not often have the time to read an entire book on a specific subject The book is written in such a way that it can be utilized for an in depth study into delays or as a quick reference guide for the assessment or formulation of delay claims Practical examples are utilized to explain the delay concepts This guide can be helpful in a number of ways to all people who at some stage or another are faced by the challenge a construction delay presents Firstly it will simplify the process of analysis of delay claims for those responsible for the arduous and time consuming task Secondly the guide will also be helpful to the contractor to understand how delay claims are evaluated and how to formulate claims The content is grouped in short chapters to ensure the guide can be utilized without necessarily reading all the chapters The basic terms definitions and concepts of construction delays are explained in Chapter 2 This forms the foundation the remaining chapters built upon to ultimately unveil the groundbreaking delay analysis method that was developed after several years of intense research What are the predominant causes of delays in construction projects The findings of 21 independent studies on delays conducted in 16 different countries are discussed in Chapter 3 Guidance is also provided on how delay claims on each of the typical causes of delay should be dealt with This is a

very valuable tool in the assessment of delays or for the formulation of delay claims Chapter 4 summarizes the delay analysis methods currently utilized in the construction industry The critique of the methods will come in handy when a choice of the delay method for a claim needs to be made Chapter 5 is the heart of the guide and describes the new delay analysis method in detail This chapter will assist practitioners to navigate this potential minefield of complexities in the process of the assessment of delay claims It also explains how to write a delay claim in 6 easy to follow steps Chapter 6 and 7 applies the new delay analysis method to some of the common form contracts utilized in the construction industry today The delay analysis method described in the book is unique in that it assists practitioners holistically incorporating all considerations in the analysis process Other forms of guidance produce to date are mostly focused on the assessment of the criticality of the delay

Quick Guide To Construction Claims , Construction Delays Ted J Trauner,2009-04-25 Delays in construction projects are frequently expensive since there is usually a construction loan involved which charges interest management staff dedicated to the project whose costs are time dependent and ongoing inflation in wage and material prices Many techniques are used to analyze delays Some of these methods have inherent weaknesses and should be avoided This book points out the shortcomings of these faulty methods and explains how a delay analysis should be performed It then describes specifically how the analysis is done with CPM schedules A explanation of delays and delay damages presented in a straightforward accessible manner should be useful to public and private owners construction managers general contractors subcontractors designers suppliers and attorneys whose work involves them in the construction industry The discussion will include subtleties of the process such as shifts in the critical path and non critical delays The subject of damages is covered in detail including the major categories of extended field overhead and unabsorbed home office overhead Likewise the damages suffered by the owner either actual or liquidated are also explained Finally a chapter is devoted to managing the risk of delays and time extensions from the viewpoints of the various parties to a construction project A discussion of early completion schedules and constructive acceleration is also included In this new edition all chapters are updated to reflect the changes in the construction field since the first edition published over 16 years ago The Second Edition includes over 40% more information such as new methods for analyzing delays with examples of the proper approach The author also includes a new chapter on risk management which focuses on the delay related risks of the various parties in a construction project Explains the different categories of delays Addresses the concept of concurrency and also non critical delays Discusses the more common approaches used for measuring and analyzing delays and the strengths and weaknesses associated with them Prevention of Time Related Delay Problems

**Construction Delays** Mark F Nagata,William A Manginelli,Scott Lowe,Ted J Trauner,2017-09-20 Construction Delays Third Edition provides the latest specialized tools and techniques needed to avoid delays on construction projects These include institutional industrial commercial hi rise power and water transportation and marine construction projects Most other references provide only post facto construction delay analysis This update includes

18 chapters 105 sections and approximately 100 new pages relative to the second edition Features greatly expanded discussion of the project management concerns related to construction delays including a more comprehensive discussion of the development and review of the project schedule Offers a detailed analysis of the strengths and weaknesses of the most common construction delay approaches and how they should be properly deployed or avoided Includes significant discussion of the contract provisions governing scheduling the measurement of delays and payments for delay Includes numerous real world case studies

**About Time** Stephen Lowsley, Christopher Linnett, 2006 About Time provides a practical reference for all those working in the building civil engineering industry who need to understand delay claims Whether you are an industry professional architect engineer contractor or expert witness assessing a claim it will provide you with clear explanations

**Construction Delay Claims** Barry B. Bramble, Michael T. Callahan, 2010-10 Contracts can be your first line of defense against delays But they have to be drafted very carefully Construction Delay Claims gives you an in depth analysis of all the pertinent clauses and details what they can and can't do to minimize delays and avoid litigation Construction Delay Claims Fourth Edition by Barry B Bramble and Michael T Callahan is written for everyone involved with delay and impact construction claims the most common form of disputes in the construction industry You'll find that this resource presents the most thorough detailed review of delay claims liability available including a complete description of the entire process for filing and pursuing claims along with more than 1 950 cases and analyses Construction Delay Claims gives you the information you need to determine your best course of action The book presents detailed knowledge drawn from the authors thirty five years of experience in the industry You'll learn how to anticipate delays and mitigate damages through the use of advanced planning and immediate responses by the parties involved You'll also receive helpful instructions about the best use of construction schedules to avert delays or to prove their impact if they do occur Construction Delay Claims keeps you completely up to date with the changes in the construction industry and the construction litigation process Coverage includes Effective ways to challenge a claimant's use of the Total Cost Method of Calculation The effectiveness of no damages for delay clauses The use of ADR methods to resolve delay claims The meaning and implication of concurrent delays Cumulative impact effect of multiple change orders The impact and probability of delays in design build construction management and multiple prime contracting Latest research into the effect and measurement of lost productivity The most recent assessments of how states are applying the Eichleay formula

**Construction Delay Claims** Regan Bishopp, 2021-03-25 Construction delays are among the most common disputes that arise on projects However the process of establishing and proving a delay claim can get complicated quickly That's why having a comprehensive understanding of the necessary elements to justify a delay claim can be a priceless advantage and this book will help you do this This book is written for busy professionals who need guidance on Delay Claims The content is informed by intensive research conducted over many years aimed to simplify Delay Claims It is written in such a way that it can be utilized for an in depth study into delays or as a quick reference guide for the

assessment or formulation of delay claims Practical examples are utilized to explain the delay concepts This guide can be helpful in a number of ways to all people who at some stage or another are faced with the challenge a construction delay presents The method has been presented at numerous international conferences and is being utilized in several different countries The easy to ready book shares information on the following key topics Basic and advanced delay and delay analysis terminology Delays causes from 21 international studies on delays Analyze and Formulate claims for typical delays 6 Easy Steps to Formulate Delay Claims Explanation of common Delay Analysis Methods Planned vs As Built Impacted As Planned Collapsed As Built Window Analysis Time Impact Analysis Explanation of Complex Delay Analysis Concepts Cause and effect Float ownership Concurrent delays Prospective and Retrospective delay analysis 5 Easy Steps to Analysis delays with the new Method How to apply this Method with construction Form Contracts Minimize Disputes with the new delay analysis method and more Buy this book now      *Construction Delays* Roger Gibson,2008-04-30 This practical user friendly guide for construction professionals and lawyers deals with extensions of time and includes examples for detailed submissions helpful charts graphics and electronic templates      *Delay and Disruption in Construction Contracts* Andrew Burr,2016-02-05 Delay and disruption in the course of construction impacts upon building projects of any scale Now in its 5th edition Delay and Disruption in Construction Contracts continues to be the pre eminent guide to these often complex and potentially costly issues and has been cited by the judiciary as a leading textbook in court decisions worldwide see for example *Mirant v Ove Arup* 2007 EWHC 918 TCC at 122 to 135 per the late His Honour Judge Toulmin CMG QC Whilst covering the manner in which delay and disruption should be considered at each stage of a construction project from inception to completion and beyond this book includes An international team of specialist advisory editors namely Francis Barber insurance Steve Briggs time Wolfgang Breyer civil law Joe Castellano North America David John Gibbs BIM Wendy MacLaughlin Pacific Rim Chris Miers dispute boards Rob Palles Clark money and Keith Pickavance Comparative analysis of the law in this field in Australia Canada England and Wales Hong Kong Ireland New Zealand the United States and in civil law jurisdictions Commentary upon and comparison of standard forms from Australia Ireland New Zealand the United Kingdom USA and elsewhere including two major new forms New chapters on adjudication dispute boards and the civil law dynamic Extensive coverage of Building Information Modelling New appendices on the SCL Protocol Julian Bailey and the choice of delay analysis methodologies Nuhu Braimah Updated case law to December 2014 linked directly to the principles explained in the text with over 100 helpful Illustrations Bespoke diagrams which are available for digital download and aid explanation of multi faceted issues This book addresses delay and disruption in a manner which is practical useful and academically rigorous As such it remains an essential reference for any lawyer dispute resolver project manager architect engineer contractor or academic involved in the construction industry      *A Computer Integrated System for Construction Delay Analysis* Mireille Battikha,1994      **Delay and Disruption in Construction Contracts** Andrew Burr,2017-11-22 Delay and disruption in the

course of construction impacts upon building projects of any scale Now in its 5th edition Delay and Disruption in Construction Contracts continues to be the pre eminent guide to these often complex and potentially costly issues and has been cited by the judiciary as a leading textbook in court decisions worldwide see for example Mirant v Ove Arup 2007 EWHC 918 TCC at 122 to 135 per the late His Honour Judge Toulmin CMG QC Whilst covering the manner in which delay and disruption should be considered at each stage of a construction project from inception to completion and beyond this book includes An international team of specialist advisory editors namely Francis Barber insurance Steve Briggs time Wolfgang Breyer civil law Joe Castellano North America David John Gibbs BIM Wendy MacLaughlin Pacific Rim Chris Miers dispute boards Rob Palles Clark money and Keith Pickavance Comparative analysis of the law in this field in Australia Canada England and Wales Hong Kong Ireland New Zealand the United States and in civil law jurisdictions Commentary upon and comparison of standard forms from Australia Ireland New Zealand the United Kingdom USA and elsewhere including two major new forms New chapters on adjudication dispute boards and the civil law dynamic Extensive coverage of Building Information Modelling New appendices on the SCL Protocol Julian Bailey and the choice of delay analysis methodologies Nuhu Braimah Updated case law to December 2014 linked directly to the principles explained in the text with over 100 helpful Illustrations Bespoke diagrams which are available for digital download and aid explanation of multi faceted issues This book addresses delay and disruption in a manner which is practical useful and academically rigorous As such it remains an essential reference for any lawyer dispute resolver project manager architect engineer contractor or academic involved in the construction industry

Federal Government Construction Contracts Adrian L. Bastianelli, Andrew D. Ness, Joseph D. West, 2003 Written by many of the top experts in government contracts and construction law this new book with over 600 pages contains detailed analysis and citations in all areas of the government construction contract law including Formation use of the FARs sealed bidding competitive negotiation design build IDIQ contracts bid protests and socioeconomic issues Performance changes differing site conditions delay subcontracting termination for convenience and default pricing of claims and payment Dispute Resolution claim procedures litigation false claims ADR and EAJA Most construction lawyers will handle government contract matters at some point in their careers This book will provide the construction lawyer consultant and contractor who are not experts in government contract law with the basic knowledge and a road map of federal government construction contracting regulations and case law that will allow them to avoid the problems and pitfalls of government contracting The book also provides in depth coverage of government construction contracting by top government contract lawyers As a result it will provide the experienced government contract practitioner with a sophisticated analysis of the issues and a source of case law and regulations It will be a ready reference that the government construction contract lawyer will want to keep nearby

Taxmann's Construction Arbitration - Delays, Disputes & Resolution | 2021 Edition Dr. S.B. Saraswat, 2020-12-14 This book has been conceived to address a particularly pressing

aspect of disputes in constructions projects It provides a practical guide follows a very systematic approach to dispute resolution through mediation conciliation and arbitration under the construction contracts It covers all aspects of the causes of delay including coverage of delay analysis report the various disputes and the arbitration process for satisfactory faster resolution This book is based on issues relating to major EPC projects of process industries such as steel petrochemical power plants etc It also covers issues relating to the infrastructure sector in private and public sectors This book will be useful for persons involved in construction arbitration lawyers project professionals arbitrators students and academicians The Present Publications is the 1st Edition incorporating analysis of problems of the construction sector and their impact along with analysis of 10 case studies while attempting to cull out the necessary principles involved in the execution of the projects The key features of this book are as follows In the introduction the current scenario of construction sector has been discussed along with the problems faced by them and its impact on country s growth GDP Delay Analysis Report Project finalization execution has also been briefly addressed along with detailed description of possible reasons of conflicts and disputes in large projects It also includes Delay Analysis Report DAR detailing all the delays which take place in construction projects Preparation of Claims with Examples Preparation of claims and counter claims has been elucidated with examples along with organizing the evidence for construction arbitration Use of Alternate Dispute Resolution ADR mechanism for dispute resolution has been discussed Case Studies are provided that compare the project execution methodology concerning private and public sectors and the outcomes of projects Simple Lucid Presentation of Text Technical contractual commercial reasons for delay in projects have been described in simple language which can be understood by lawyers arbitrators and laymen working in the construction industry The contents of the book are as follows Impact of disputes in construction sector Ideal needs of successful project execution Overview of projects and construction sector in India Types of construction contracts Traditional Projects execution in India Status General process of finalization of EPC contract for large projects Stakeholders in EPC project Analysis and comparison of salient features of different EPC contracts Critical examination comparison and review of major clauses of EPC project contracts Brutal global impact of COVID 19 Force majeure in Indian projects due to COVID 19 Project monitoring control Pre requisites for successful completion of an EPC project Case studies of project execution detailing the methodology of execution elements of delay and potentialities of disputes in projects Conclusions drawn from the case studies of project execution Common clauses of delays in EPC projects Preparation of project Delay Reports Delay analyzing techniques in construction projects Delay in construction contracts A Legal View Construction dispute resolution as per Alternate Dispute Resolution mechanism Settlement of construction dispute through Negotiation Settlement of construction dispute through Mediation Settlement of construction dispute through Conciliation Settlement of construction dispute through Arbitration Indian Arbitration and Conciliation Amendment Act 2019 a reflection Claim in a construction project Need for evidence in construction arbitration Reviewed by Justice Dipak Mishra Former Chief

Justice of India After reading the book I am tempted to say that though it focuses on a very prosaic subject yet there is something in it that makes it interesting for the readers And any reader can find that something only after studying the book It is a must read for the students practitioners and academicians involved in the field I so recommend as the author is consistently guided by the motto quality speaks for itself The author s intention is to assist and educate I have deliberately used both the words because I am of the view that this book should be read by some with the vision of an Argus eyed personality and some should study with humility The author deals with many facets with admirable precision One may consider his delineation with regard to the conception of delay He has commandedly adverted to Common Causes of delay in EPC Projects I am certain that anyone arguing a matter before a Tribunal or Court will be extremely benefitted The author s case study has its own impact and reaffirms the old saying Example is better than Precept He believes in the concept successful project execution is more than a written piece of contract This statement by Dr Saraswat deserves to be a quotation Reviewed by Justice B B Srikrishna Former Judge Supreme Court of India Dr S B Saraswat is a technocrat with extensive experience of four decades in public as well as private sector industries in India and abroad He was actively involved in successful execution of many large projects in Steel Power and Petroleum sectors His long experience in their execution has exposed him to various kinds of disputes faced as client and as contractor This book is the result of his rich experience of dispute resolution by arbitration in the construction industry and reflects his insights on aspects of delays disputes their resolution Apart from general discussion of the arbitral mechanics in such disputes the book focusses on the nature of construction contracts the likely pitfalls therein the force majeure clauses in such contracts project control and monitoring common causes of delay in EPC contracts delay analysis techniques techniques of ADR nature of claims their submission and the evidence required to substantiate the claims in light of the legal provisions of the Arbitration and Conciliation Act 1996 and other applicable laws Reviewed by Justice Deepak Verma Former Judge Supreme Court of India This book by Dr S B Saraswat encapsulates the following The problems of the construction sector and their impact has been analyzed in detail First it has been advised that disputes should be resolved mutually among stakeholders failing which mediation and conciliation should be adopted Procedures for the same have been described in the book It is a fact that large construction projects in India are invariably delayed due to a variety of reasons This book contains all the possible reasons for the delay in the project Further the book also spells out an action plan to avoid such delays The book has handled the delay analysis through various delay techniques normally adopted as a standard practice Delay in the projects has been described in a comprehensible manner that can be easily understood by lawyers arbitrators and laymen working in the construction industry The book also analyses 10 ten case studies while attempting to cull out the necessary principles involved in the execution of the projects Preparation of claims has been dealt with in the book and explained with suitable examples Utility of evidences to substantiate the claims have been incorporated The book discusses ADR techniques like

Negotiation Mediation Conciliation and Arbitration to resolve construction disputes Reviewed by Justice A K Sikri Former Judge Supreme Court of India Understanding the need to have some authentic book to guide and help all the stakeholders Dr S B Saraswat has laboured to produce the book at hand which specifically takes care of issues relating to construction arbitration The three major elements in this field as mentioned above viz delays in such projects nature of disputes and the resolution thereof through arbitration are the themes which are very deftly articulated and presented in a manner which can easily be absorbed by the readers A distinguished feature of the book is that the scope is not confined to use of ADR mechanisms for dispute resolution which includes mediation as well as arbitration but contains an in depth analysis into the causes leading to such disputes This becomes important to ensure Dispute Avoidance wherever possible In case of disputes the book acts as a helpful guide for the disputants in the manner in which claims should be preferred or the defences be offered It also guides the stakeholders the manner in which evidence needs to be organised or supporting the claims or defending the claims

Engineering News-record ,1921 *Proceedings* ,2006 *Register of Expert Witnesses in the Construction Industry* ,1983 Causation and Delay in Construction Disputes Nicholas J. Carnell,2008-08-06 Building contract claims for more time on projects represent one of the largest sources of dispute within the industry However identifying the causes of delays and the effects they have on the project is often difficult and the burden on the party seeking to prove delay is a heavy one This book provides the construction professional with an analysis of how construction projects become delayed the practical measures which can be taken to avoid such delays and how the parties can protect their positions in the face of delays It goes on to look at the requirements for producing a successful claim It provides a straightforward guide to the legal issues and also considers how the effects of delays can most practically be addressed The Second Edition takes account of new case law since 1999 and has new sections on adjudication risk allocations and the Society of Construction Law Delay Protocol Very well received when it was first published the book is aimed particularly at contractors project managers and senior surveyors but will also be of interest to construction lawyers

**Force Account on Unit-price Construction Contracts** Bureau of Municipal Research (Philadelphia, Pa.),1928

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