

Construction Contracts and Liquidated Damage Provisions: Qualifying Factors, Unenforceable Penalties, Mutual Delays

Live Webinar

October 13, 2021

Event Sponsor: Strafford

Steven Nudelman, Chair of the firm's Construction Contracting & Risk Management Practice Group, will speak at the live webinar "Construction Contracts and Liquidated Damage Provisions: Qualifying Factors, Unenforceable Penalties, Mutual Delays," to be presented by Strafford on Wednesday, October 13, 2021 from 1:00pm -2:30pm.

Liquidated damages provisions are common in construction contracts to guard against damages that the owner or a contractor might suffer if a project is delayed beyond the completion date outlined in the contract. These provisions appear in both public and private construction contracts. In the absence of such provisions, to recover damages for delay an owner or contractor must prove that the contractor delayed the project and the actual damages caused by the delay. This is a difficult task that requires detailed proof tying the loss to the period of undue delay with reasonable certainty. Thus, being able to rely on a liquidated damages for delay provision can be quite useful.

This presentation will review best practices in working with various stakeholders to mitigate liability and costs in construction delays, and will also consider the following questions:

- What is a liquidated damage provision, and how is it used in construction contracting?
- How can counsel best establish a formula for determining liquidated damages?
- When is a liquidated damage provision likely to be found to be an unenforceable penalty?

Attorneys

Steven Nudelman

Seminars & Events (Cont.)

- What is a non-apportionment clause?

Mr. Nudelman concentrates his practice in construction law as a partner in the firm's Litigation and Real Estate Departments. For over 25 years he has represented members of the construction industry across a broad spectrum of matters. On the transactional side, he works with owners and developers, construction managers, general contractors, subcontractors and design professionals to prepare and negotiate contract documents for construction in the New Jersey and New York metropolitan area. Mr. Nudelman's construction contracting work helps his clients manage the risk inherent in construction projects so they may adequately protect their interests now to avoid claims and disputes in the future.

Registration and additional details on the Strafford website.