

## **Avoiding the Holiday Blues in Construction Projects**

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During the winter and summer holidays, folks look forward to taking time off from their jobs and spending time with family. Most of your workers, subconsultants, and vendors do, too. Add to that that many owners may be unreachable during the holidays, and it seems that sometimes it is impossible to get anything done during certain months of the year.

Be careful not to let the holiday season turn into a claim for delay on a project. Project holidays are usually set at the beginning of a job. It is a good idea to review your contract and any set calendars agreed to prior to making assumptions about what days will be considered non-work days. Discuss anticipated absences early in the month, and determine back-up plans for when a needed individual (for example, the architect) is not reachable. If the owner will be unavailable, has he delegated decision making authority in his absence? Anticipating potential problems and solutions to them can make the difference between a productive month and weeks of float creep.

If you experience problems due to the vacation of others, be sure to document the delays and timely request an extension of time. Under AIA A201 8.3.1, the contract time shall be extended by change order if the contractor is delayed in the progress of the Work by an act or neglect of the Owner, Architect, or a separate contractor employed by the Owner. Contract adjustments due to the delay are also available. Likewise, Consensus DOCS 200, at 6.3.1, contains a similar provision for compensation for delay damages caused by others.

Under EJCDC documents, however, only an extension of time, and not an equitable cost increase to the contract, is the remedy for a delay experienced by a contractor. EJCDC C-700 12.03.

Regardless of the form of contract on your Project, be sure to document all delays experienced due to the unavailability of others. Make claims for time and/or money adjustments in accordance with your contract for all such delays to avoid finding yourself short on time at the end of the Project.