

No More Drama

white + burke

VERMONT
DEVELOPMENT
CONFERENCE

The Players

- The Manufacturer
 - Fabricates and sells building materials
- The General Contractor
 - Building a luxury hotel in Vermont

The Contract

- Manufacturer to supply materials
- Price = \$1,000,000 fixed fee
- Payable on percentage of work completed

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The Delay

- Manufacturer's Side

- GC delayed approvals
- GC changed sequencing
- Manufacturer lost profits and other work as a result

- Contractor's Side

- Manufacturer was slow on delivery
- Materials were defective

The Lawsuit

- Manufacturer

- \$500,000 unpaid invoices under the contract
- \$100,000 lost profits, cost overruns, overtime

- Contractor

- \$150,000 paid for defective materials
- \$75,000 delay damages

Different Pathways

- Litigation
- Alternative Dispute Resolution
- Contracting

QUESTIONS?

SPEAKERS

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