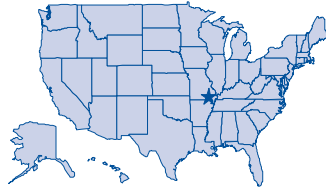

CCL Quantified Delay Damages Flood Retarding Structures Fairdealing, Missouri



CCL was hired by the law firm of Linde, Thomson, Fairchild, Langworthy, Kohn & VanDyke, Kansas City, Missouri to help quantify the damages which C&C Excavating & Construction experienced on two dams built in southeastern Missouri for the U.S. Department of Agriculture, Soil Conservation Service.

C&C Excavating, a MBE, was contacted by the U.S. Small Business Administration to do the work for the Soil Conservation Service under a minority business set aside. During the negotiation C&C visited the site and observed very dry, “dusty” conditions. The plans included soil borings which indicated little water in the excavated areas. The negotiated de-watering system negotiation was anticipated to be a series of drainage ditches. The de-watering system was approved by the Soil Conservation Service.

When C&C actually began its work they discovered water where no water was indicated; water 6' to 8' higher than the soil borings where water had been indicated. The additional water created a very muddy, mucky site which increased C&C's cost of performance. C&C had to use backhoes to load scrapers because they would not self-load and continually had problems with the scrapers being stuck in the mud. The anticipated eight month project actually took thirty five months to complete. The original contract was for some \$500,000 but C&C spent in excess of \$600,000 more than the contract amount to complete the work. During performance, C&C's subcontractor went bankrupt because of the differing site conditions.

CCL determined the cost of the overrun due to the differing site conditions and assisted C&C in the negotiation of the claim with the Soil Conservation Service.



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