
CCL Reviewed Contractor Delay Claim

Nebraska City Bridge

Nebraska City, Nebraska

CCL was retained by James W. Hewitt, Esq. on behalf of Concrete Industries, Lincoln, Nebraska to assist in the defense of a delay claim by Edward Kraemer & Sons Construction. Concrete Industries is one of the primary suppliers of concrete, concrete products, and steel in Nebraska, Iowa, South Dakota, Kansas, and Missouri. Concrete Industries supplied reinforcing steel for Kraemer & Sons Construction for use on the Nebraska City Bridge.



During the winter of 1984 - 1985 the reinforcing steel on the project experienced embrittlement. The Nebraska Department of Highways suspended work while the embrittlement problem was investigated. The Department concluded that the steel had been manufactured improperly by Concrete Industries' supplier, Sheffield Steel. Kraemer Construction submitted a delay claim to Concrete Industries for some \$575,000 for the additional expense which the suspension caused.

CCL assisted Concrete Industries in evaluating the cost of the suspension and responsibility for the embrittlement. Kraemer & Sons delay claim did not establish Kraemers' ability to maintain scheduled progress after the steel embrittlement delays were complete. CCL reviewed Kraemer & Sons claim damages summaries including idle equipment rates, Eichleay calculations, labor rate escalation, and other items.

Following a review of the claim, CCL prepared a draft Request to Produce, identifying additional Kraemer project documents, schedule and job cost records necessary, and a listing of areas where additional efforts should be focused to determine responsibility for steel embrittlement and to establish a reduced and reasonable amount of damages.



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