

# Delay Claims

Legal Update – Arizona Builders Alliance  
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- **Post-Covid(?) & Increase in Delay Claims?**
  - *Ordinary Delay Issues (Constructability of Plans, unforeseen circumstances)*
  - *Labor and material shortages/unavailability.*
- **Types of Delay: Inexcusable, Excusable, Compensable**
- **Responsibility for Delays: Force Majeure & Impossibility**
  - *Force Majeure: Circumstances beyond the Contractor's Control*
  - *What does the Contract say?*
    - Notice and Other Prerequisites?
    - Limits on Relief (time but no compensation)?
    - Duty to Mitigate?
    - Change Order/Equitable Extension?
  - *Other Considerations: Prejudice?*
  - *Common Law: Impossibility: Must be objectively impossible (unprofitable not enough).*



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