

## VIEWPOINTS SERIES



Thursday  
Sept. 29, 2022  
8 - 10:00 AM (PT)



# Webinar: Pacing Delay – The Practical Effect on Construction Projects & Delay Claims

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For centuries, pacing delay has been a controversial delay issue in the construction industry. It is, in sum, a delay to a project on the part of one party due to a delay caused, or about to be caused, by the other party. Though not unusual, it is not often explored in scheduling or delay analysis texts. As there is little literature on pacing delay, and case law is a bit sparse, Owners and Contractors often find themselves at odds over the practical effect of pacing delay in a delay claim situation. This webinar defines the term; identifies what constitutes pacing delay; sets forth the contractor's legal right to pace an owner caused delay; and addresses the practical impact of a pacing delay, to both the project and a delay claim.

This webinar is intended to provide a better understanding of pacing delay and how the issue may be dealt with by both Owners and Contractors. We will provide a thorough discussion of the issues involved with pacing from both perspectives.

### Participants will:

- Learn what pacing delay is.
- Gain an understanding of when owners and contractors may employ pacing delay.
- Understand the impacts and risks involved when pacing delay occurs.
- Receive recommendations, for both owners and contractors, to mitigate some of the risks when pacing delay arises.
- Be exposed to practice pointers for both Contractors and Owners concerning pacing delay.

### Key Points:

- Definition and typical causes with examples of both Owner and Contractor pacing delay
- Contractor's legal right to pace owner caused delay
- Practical impact and risks on projects due to pacing delay
- Adverse impact of pacing delay on schedule delay analysis and delay claims asserted by Contractors
- Whether time related damages are recoverable when pacing delay has occurred
- Potential owner defenses when damages are sought
- Recommended defenses against pacing delay claims
- Practice pointers for both Owners and Contractors when considering pacing delay

**This webinar would benefit a public or private Owner, Owner's Rep, CM, PM, Contractor, Subcontractor, Architect, or other Design Professional providing project oversight services.**

► **Instructor: James G. Zack, Jr.** is Principal of James Zack Consulting, LLC, a construction claims consultancy dedicated to helping Owners and Contractors complete projects in the field, not arbitration or court. He is a recognized, published expert in mitigation, analysis, and resolution or defense of construction claims and disputes. In his 49-year career, he has been involved in public and private projects throughout the U.S. and 39 countries, working with Owners and Contractors on 5,000+ claims. He is Sr. Advisor to Ankura Construction Forum™ and was previously Ex. Dir. of Navigant Construction Forum™; Ex. Dir. of Corporate Claims Management Group at Fluor Corporation; VP at PinnacleOne; and Sr. Construction Claims Consultant for CH2M HILL, Inc. He is a Fellow of AACE, RICS, GPC, SCCSI. His professional certifications include: CCM, CFCC, ECCCS, ECCDA and PMP.