

Owner Awarded Counterclaim Against Contractor in AAA Construction Dispute Arbitration

Rushton Stakely attorneys Ted Jackson and Dennis Bailey were recently successful in defending claims against an electric cooperative made by a general contractor relating to the construction of a new operations center involving large metal buildings. The contractor claimed the plans and specifications were defective because the metal building manufacturer's engineers would not agree to incorporate specified metal decking into an office area of one of the metal buildings. The general contractor claimed over \$600,000 in extended general conditions, Eichleay delay damages, additional work and interest which it claimed were related to delays associated with a dispute between the owner's architect and consulting structural engineer and engineers employed by the metal building manufacturer. After several days of testimony presented to a AAA arbitrator, the arbitrator ruled for the owner, an electric cooperative, on all claims asserted by the contractor and awarded the owner \$170,000 on its counterclaim relating to completion delays. Arbitrator fees were assessed against the contractor. There was no appeal and the award and fees were paid by the contractor as directed. Ted Jackson handled the pre-arbitration dispute and Dennis Bailey handled the arbitration proceedings.