



DRBF Conference Paris

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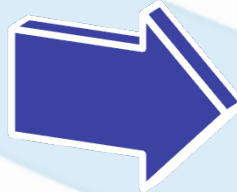


13th Annual DRBF International Conference

- May 2-4, 2013
- Hotel Concorde La Fayette, Paris (France)
 - Workshop 4
- Chair: Rechtsanwalt Dr. Götz-Sebastian Hök,
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Workshop 4 D

- Constructive Acceleration



A comparative Study.

- England, France, Germany, USA and other countries

Panel Members

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Contributors

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The Case

Contractor has encountered unforeseeable adverse physical conditions. The Employer or Engineer (as the case may be) insists on timely completion (meaning but without saying without EOT) but does not instruct expressly acceleration measures.

Is the Contractor entitled or likely to be entitled to either

an adjustment of the Contract Price, and/or

damages, and/or

recovery of expenditure, and/or

Employer's savings for avoided compensation for delay

if the Employer or on its behalf the Engineer (or similar) insists on the timely completion of the Works albeit the Employer has caused delay (or bears the risk of delay) and or disruption regardless of whether the Contract or the law provides or does not provide for a claim of extension of Time for Completion due to this delay.



Country	Legal Theory			Remedy
	Breach of Contract	Express or implied request for acceleration	Other Solution	
USA	x	x		Additional compensation
England			Contract	Cost claim
France				
Germany		(x)	Completive Interpretation, Mitigation	Reasonable adjustment of Contract Price
Philippines	(x)	(x)	Unjust enrichment; estoppel <i>in pais</i>	Reasonable compensation and/or Adjustment of Contract Price for delays resulting from a change in plans and specifications
Japan				



- I thank you very much for your attention



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