



A construction attorney discusses avoiding supply chain nightmares - by C. Jaye Berger

February 22, 2022 - Spotlights

As an attorney who handles construction matters, a lot of people ask me about how to avoid issues with the supply chain and completion. Some of it has to do with factors outside of your control and some of it has to do with factors that you can control—if you make the effort.

There is a universe of beautiful furniture and furnishings available to be purchased for the design and furnishing of a person's home. If you choose very obscure items from remote places, you are more likely to get caught up in supply chain and delay in completion issues. Avoiding getting caught in the supply chain nightmare has a lot to do with what you choose to order.

This can arise quite often with the design of kitchens. If there is a delay in delivering custom kitchens, it can prevent other items in the kitchen from being installed and delay the entire project. For example, you may have to delay putting in the heated flooring and the flooring itself until you know you have the cabinetry for the kitchen.

There are things that you can order that are easily and readily available in the United States or you can choose to order very particular things that need to be imported from another country that may get caught up in delays due to COVID or due to difficulty in transportation in general.

A lot of the decisions about which way to go with purchases are up to you and your interior designer. You can ask your interior designer to not only give you possible choices that are beautiful and fit into your design concept, but purchases which will be easily obtainable. The interior designers can get in touch with the companies and find out about the lead time on delivery of items. Some people place the order first and create a relationship with a company before they have looked into these things. It is much more difficult to terminate such an order after you have given money for the purchase.

There are several points at which the timing of your project is critical. If it is a house that is being worked on, you can be the one who puts a completion date in the contract with the contractor thereby creating a completion issue if things are delayed. Generally, it is a good idea to have an end date in the agreement as long as you are realistic about adjusting it and extending it as things happen. However, if you have selected hard to find materials, then you are making it less likely for the contractor to be able to achieve completion by the date you are requesting. These issues can escalate because the contractor will claim it is not their fault that they cannot complete the project it

is because you have selected something so difficult to find. Perhaps you can choose an in-stock item instead of something which needs to be shipped from a small town in Italy and factories are closed. While these items may look beautiful when your house is shown to a prospective buyer, in reality, a lot of what has been installed, especially custom items tend to be ripped out by the next buyer based on their own personal taste.

Another point at which completion may be an issue arises in co-op buildings where the building itself imposes a deadline for completion. Some buildings have a construction season, in the summer, for example. You need to be aware of these rules and regulations in your building. There is usually a renovation package that most buildings provide to purchasers before they engage in a renovation. This must be reviewed by an attorney to determine whether there are such requirements. If there is such a requirement, you can wind up being liable to the building for the additional time it is taking to get the project completed. Some buildings try to distinguish between renovation issues that create noise versus those which just create inconvenience for others. If you are aware of these things and try to discuss them in advance, it is less likely to result in a lawsuit. Once you have agreed to such an issue, charges will start appearing on your monthly maintenance. You cannot just assume it will be worked out in the end.

A lot of the foundation work for how delays will be handled is done before the work even begins and contracts are even signed. It is best if contracts are reviewed with an attorney knowledgeable in construction law before the project goes forward.

C. Jaye Berger, Esq., is the founder of Law Offices C. Jaye Berger, New York, N.Y.

New York Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540