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# CCL Evaluated Schedule Delays Sidestream Elevated Aeration Ponds Chicago, Illinois

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Baker/Mellon Stuart Construction, Inc. was awarded contracts to build three aeration systems along rivers and canals in Chicago in order to increase the oxygen level in the waterways. The value of the three projects totaled \$20 million. CCL was retained by Baker/Mellon Stuart to evaluate schedule delays on the projects.

Each of the sites encountered unanticipated problems that caused the project to be delayed and costs to overrun. Contaminated material was discovered at Site 5 which pushed field testing of equipment into the winter. Extra work requests were in dispute at Sites 1 and 2. In addition, the intended radio telemetry communications system that linked the three remote sites to the central operations center failed to perform as expected, further delaying both field and final operational tests.

Because the project consisted of three remote sites, disputes included whether the longest delay at one site determined the project delay; whether liquidated damages applied to the entire delay period, even though some sites were completed earlier; and whether Baker/Mellon Stuart's field overhead should be allocated among the three sites and reduced from its delay claim.

The District's analysis ignored the differing site conditions delay and blamed project delay on the design failure of the radio telemetry system, also claiming that Baker/Mellon Stuart was responsible to correct the design.

The dispute was compromised before trial. The District surrendered all liquidated damages that had been withheld and Baker/Mellon Stuart gave up its delay and extra work claims.



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