

# **Bond Case Briefs**

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## **CONTRACTS - TEXAS**

### **Zachry Const. Corp. v. Port of Houston Authority of Harris County**

**Supreme Court of Texas - August 29, 2014 - S.W.3d - 2013 WL 9600952**

Construction contractor brought action against county port authority for breach of contract. The District Court entered judgment on jury verdict for contractor. Port authority and contractor appealed.

The Supreme Court of Texas held that:

- Local Government Contract Claims Act does not waive immunity from suit on a claim for damages not recoverable under section of Act that defines the scope of the waiver of immunity;
- Act waives immunity for a contract claim for delay damages not expressly provided for in the contract;
- No-damages-for-delay provision was unenforceable;
- Releases signed by contractor did not cover contractor's breach of contract claims; and
- Evidence was sufficient to support verdict that port authority was entitled to an offset of \$970,000 as damages for contractor's use of defective wharf fenders.