

Bond Case Briefs

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CONTRACTS - GEORGIA

City of College Park v. Sekisui SPR Americas, LLC

Court of Appeals of Georgia - March 20, 2015 - S.E.2d - 2015 WL 1260157

Subcontractor that worked on city sewer project brought action against city when general contractor failed to pay subcontractor for work performed, alleging that city was liable because it had failed to ensure that general contractor obtained payment bond, and also asserting claims of quantum meruit, unjust enrichment, and implied obligation to pay. The trial court granted subcontractor's motion for summary judgment. City appealed.

The Court of Appeals held that:

- Subcontractor was not required to give ante litem notice to city prior to bringing action, disapproving *Jacks v. City of Atlanta*, 284 Ga. App. 200, 644 SE2d 150;
- Sewer project was necessitated by emergency, such that city was not required to obtain payment bond for project; and
- Subcontractor could not recover against city under implied contract theories of unjust enrichment, quantum meruit, or implied obligation to pay, absent direct contractual relationship between city and subcontractor.