

# **Bond Case Briefs**

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## **CONTRACTS - WASHINGTON**

### **Conway Construction Company v. City of Puyallup**

**Court of Appeals of Washington, Division 1 - May 4, 2020 - P.3d - 2020 WL 2112362**

Construction company, which was hired to do road improvements, sued city, asking the court to declare termination for default improper and asserted breach of contract and unjust enrichment claims.

After bench trial, the Superior Court found that city breached the contract when it terminated company and awarded company damages, attorney fees, and costs. City appealed.

The Court of Appeals held that:

- Conflict coordination provision in construction contract did not mean that, once construction company violated state safety regulation, city had right to terminate the contract without providing cure opportunity;
- Evidence established that construction company resolved the safety regulation breach, and thus, city failed to justify its termination of construction contract; and
- As matter of first impression, because city breached contract by terminating the contract, and did not provide construction company an opportunity to cure alleged defects, city was not entitled to its claimed post-termination damages and costs.