Francesco Zappalà, Ph.D.
Arbitrator expert in Contracts
(1) 236 994 8685
zappala.francesco@gmail.com
www.francescozappala.com

Opinion

TIME & MATERIALS CONTRACTS.
Advantages and Disadvantages.

A Time and Materials Contract is a construction agreement where the project owner pays the contractor for all material and labour costs on a project as well as contractor markup. Unlike lump sum contracts, a Time and Materials Contract is based on the actual time spent and materials used on a project rather than a fixed fee. This type of construction agreement is often used in cases where the scope of work or project duration is uncertain, or where changes are likely to occur during the project. With projects that have unknowns, Time and Materials Contracts provide greater flexibility and transparency for both the owner and the contractor.

A time and materials contract is an agreement where contractors are reimbursed for materials used and hours billed on a project including a negotiated markup. Essentially, the basis of the contractor's tender includes the unit costs of materials, an hourly or daily rate and contractor markup.

However, Time and Materials Contracts do not provide an unlimited budget for a project. While Time and Materials Contract are based on the actual time and materials used for a project, the client and contractor usually establish an estimate for the project based on the known scope of work when the project commences. Sometimes, the contract will include a maximum limit on the amount that the client is willing to pay for the project. This clause limits the client's financial liability, provides clarity on the overall project cost and serves as a guideline for the contractor to manage costs, ensuring that the project is completed within the client's specific budget.

Advantages of Time and Materials Contracts

<u>Advantages for project owners</u>
Simplicity. Once the labour and material rates are agreed upon, work can often begin quickly, as contractors are less exposed to financial risk than they are with many other contract types.

Flexibility. Owners can often adjust the scope and direction of the project as it progresses without having to renegotiate the entire contract.

Transparency. Throughout the project, the contractor provides the owner with detailed information about the costs of the work, enabling the owner to monitor the project's budget and progress.

Easily compare tenders. The simple pricing structure, just labour rates and material costs, allows owners to compare between tenders easily.

<u>Advantages for contractors</u>
Straightforward compensation. The contractor is compensated for all work performed and all costs incurred, including any unforeseen or additional work required to complete the project, resulting in greater financial security.

Decreased burden before construction. Preconstruction efforts are minimal, reducing the effort required by the contractor prior to construction.

Opportunity to build long-term relationships. The transparency required in a Time and Materials Contracts can enable contractors to establish a solid relationship with the client that potentially results in future opportunities.

Profitability. If markup rates are correctly calculated to cover overhead and profit, contractors are likely to maintain profitability on a Time and Materials project.

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Disadvantages of Time and Materials Contracts

<u>Disadvantages for project owners</u>
No established budget. Due to the uncertainty of the scope, there is no established budget, which opens up the owner to greater financial risk.

Requires a trusted partner. Without a trusted partner, owners may worry that the contractor is unnecessarily stretching the project out to increase their costs.

Offers no incentives for efficiency. As a contractor is compensated for the number of hours worked, they are less incentivized to work efficiently.

<u>Disadvantages for contractors</u>
Requires detailed cost tracking. In order to get compensated, the contractor must provide a detailed breakdown of all costs incurred throughout the project, requiring a sophisticated cost-tracking system.

Upfront financial burden Specialty contractors using Time and Materials Contracts can struggle with cash flow issues as they bear the upfront labour, material and overhead costs until they are reimbursed by someone higher on the payment chain.

Difficulty managing client expectations. Due to the undefined nature of the project's scope, it's difficult for the contractor to initially provide accurate estimates to the owner regarding the project's overall cost.