

## CONSTRUCTION DISPUTE ADVISORY SERVICES



Construction is a challenging endeavor involving a diverse array of stakeholders who bring varying and sometimes conflicting expectations to a project. When expectations are not met, the parties involved must be prepared to protect their respective interests and points of view. Knowing how to resolve these disputes efficiently can lead to significant benefit for an organization. Marsh Risk Consulting's (MRC) Construction Consulting Practice is comprised of construction experts who understand that resolving disputes in a timely and cost-effective manner is critical to organizations today. With our specialized knowledge and expertise in construction claims evaluation, preparation, and recovery, we guide clients through the issues most common in construction disputes. Our phased investigative process unearths the facts about what exactly went wrong, compares performance against plans and specifications, quantifies financial impacts, and assists in allocating liability among the appropriate parties.

### SERVICE HIGHLIGHTS

As a result of our experience working for all major project stakeholders, MRC's Construction Consulting Practice brings objectivity and

balance to the investigation of matters that lead to disputes. Our value is in the quality of our analyses and the ability to help parties reach

#### Who it's for

- Public and private owners
- Authorities
- Contractors and subcontractors
- Law firms
- Architects and engineers
- Manufacturers, suppliers, and vendors
- Lenders, financial institutions, and insurance companies

#### What you get

- A highly experienced team in various infrastructure, industrial, institutional, and commercial project types, as well as every phase of development including contract formation, engineering, construction, and operation
- Experts in management, engineering, and construction issues such as cost and schedule analysis and auditing as well as independent technical analysis of multi-party disputes
- Effective support throughout the litigation process, including assistance with document discovery, claim analysis, deposition preparation, and expert testimony

timely and favorable resolutions, oftentimes avoiding expensive arbitrations or litigations. As a result, we are retained to evaluate some of the most difficult issues on complex projects. Our experts provide effective analyses of cost, schedule, quality, and scope, isolating the real issues and their implications. In the event a matter escalates to a formal proceeding, our professionals are highly experienced in providing expert witness testimony.

## DELAY AND TIME IMPACT ANALYSES

Proving who and what caused a project delay is often a critical aspect of resolving claims and disputes. With our specialized knowledge and expertise in construction delay claims, we utilize Critical Path Method (CPM) scheduling techniques and other delay analyses to compare the planned to the actual sequence of construction. Our experts develop the analysis to identify the vital issues along the critical path of the project schedule, quantify delays, and evaluate the causation and entitlement of the impacts. Our independent analysis of documentation and project conditions can serve as the objective evidence review necessary to reconstruct actual contractor performance, assess causation, and evaluate claims and damages. These project schedule analyses form the basis of our determination of excusability in project delays, particularly regarding the critical path, as well as our assessment of what is contractually compensable.

## FINANCIAL DAMAGES AND QUANTIFICATION

Our interdisciplinary teams focus on the critical elements of cause and effect. Leveraging the conclusions established in our project schedule analysis, we review key productivity, continuity, and cost factors. We can determine how cost

growth has affected a claim by comparing scheduled to actual completion times. Our experts can compile the required data directly from the contractor's accounting systems or reconstruct it from several source documents, including time sheets, invoices, records, and diaries.

In conjunction with entitlement and schedule analyses, we assist clients in capturing and quantifying all types of monetary damages, including: profit, economic, and efficiency losses; labor and material cost escalation; extra work, defective work, and acceleration-related costs; extended job and home office overhead; liquidated damages; and other financial impacts.

## LITIGATION SUPPORT AND EXPERT TESTIMONY

Even with assistance in the avoidance or early resolution of disagreements, there are occasions when litigation is inevitable. MRC offers litigation support and expert testimony services to help clients achieve favorable resolution in trial, arbitration, or other dispute resolution forums. We provide effective support throughout the litigation process, assisting with document discovery, claim analysis, deposition preparation, cost and schedule analysis, testimony, and rebuttal-related analyses. Our professionals have expert testimony experience during all stages of dispute resolution, including arbitration (AAA and ICC), and litigation in local, state, federal, and international courts.

For more information on MRC's Construction Consulting Practice, please call us at 866-9AtRisk (866-928-7475) or contact us via e-mail ([At.Risk@marsh.com](mailto:At.Risk@marsh.com)).

For more information on these and other solutions from Marsh Risk Consulting, visit [www.marshriskconsulting.com](http://www.marshriskconsulting.com) or contact your local MRC or Marsh representative.

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