

Dispute Resolution and Mitigation

Saybrook Associates is a dependable resource in dispute resolution as well as the analysis, preparation and presentation of claims ranging from thousands to millions of dollars.

While the events and facts surrounding a dispute may not be in contention, parties do differ in their interpretation, analysis,

and calculated impact of such. Having the most credible compilation, analysis, and presentation of these facts will determine your success in a resolution that is favorable to your position.

What	How
Prevent Disputes	Pre-Bid Document Review > Review design documents to detect ambiguities and incomplete or missing design information before bidding. This “bulletproofs” against future claims.
Determine Facts	Cause/Effect Analysis > Analyze actions or inactions and their effect upon project activities. Evaluate ripple- or consequential-impacts due to change, delay, or acceleration. Assess merit.
Determine Actual Impacts	Cost Analysis > Calculate added costs created by delay, acceleration, and/or added scope. Determination of just and reasonable impact costs. Delay Analysis > Develop “as-built” and “but for” schedules to test the validity of a claimed delay.
Track Issues Collect Data	Develop an early identification system for issues and collect supporting documentation.
Liaison with Attorney	Provide supporting documentation and expert testimony.

Benefits to You and Your Organization

Eliminate Surprise	Through early awareness and assessment of the consequences of actions or inactions.
Gain the Best Defense	Defend against all requests/demands for extras. Pay only when liable — and pay only what is appropriate.
Prevent Disputes	Prevent disputes by establishing conditions for success early.

CASE STUDY >

A large, fast-track project — located in a remote part of the world — was dependent upon distant and scattered supply chains. Local contractors also had varying abilities to meet tough completion schedules in the midst of extreme weather fluctuations. The owner was certain that imposing severe liquidated damages penalties would ensure well-coordinated and timely completion by their contractor.

Saybrook Associates respectfully disagreed. We believed that their penalties were an invitation for documentation and distraction for even the slightest delays in owner-furnished design, information, and materials. We predicted that separating stakeholders into their own protective enclaves was a recipe for trouble, so we reviewed contracts and construction documents early in the project and suggested that the owner create conditions for success instead of distress. We advised the owner to:

- (1) Implement a team approach that rewarded better-than-targeted performance,
- (2) Simplify a contractor-grievance review and approval process for change requests,
- (3) Assume a greater share of risk,
- (4) Establish measures for the company’s own performance and accountability.

Both the owner and contractor feel that the project was more successful because of these critical “front end” measures. Communication was open and honest and stakeholders report that they were able to make decisions beneficial to the project as well as for themselves. The project was completed on schedule, with only \$180,000 in requests for additional compensation — quite an accomplishment for a venture with \$170 million price tag. Everyone agreed that **success** starts early!