



CLAIMS AVOIDANCE

“In this world nothing can be said to be certain, except death and taxes... and construction claims”

(My apologies to Benjamin Franklin for paraphrasing his famous quote)

In an ideal world, an Employer wants his project completed on time and within the agreed cost; and a Contractor wants to achieve completion on time and to be paid on a timely basis in order to achieve a profit. In essence, both parties have the same ideals.

Unfortunately, this situation does not always prevail. Differences of opinion may arise on programme or other issues which often escalate into a claim. Whilst claims are not inevitable, they are a recurring theme throughout the construction industry.

‘Claims Avoidance’ is all about managing the project process and preventing claims emerging, from both sides of the contractual divide. Monitoring systems should be implemented to identify potential issues which may become claims/disputes, and dealt with as they arise. Pre-emptive action can prevent and claim arising. This, in our view, is the optimum strategy to adopt in most situations.

In short, the ideal way to ‘manage a claim’ is to avoid it.

How can we help you?

Gibson Consulting can provide you with any of the following:

- **Project Record Keeping & Progress Reporting:** Many time related claims that escalate into disputes are due to a combination of poor planning, programming and a lack of accurate progress records. One of the good points of the Society of Construction Law’s ‘Delay & Disruption Protocol’ is its recommendations on programming and record keeping.
- **Programme Appraisal:** Contractor’s programmes can be considered and advised upon regarding sequence and durations.
- **Project Monitoring:** We can provide a project tracking service to monitor actual progress against planned.



- **Project Health Check:** We will provide an objective and comprehensive health check; with recommendations on how to improve performance to recover any delay in total or in part.
As outsiders to the project, we are not burdened by the baggage of personalities and can offer objective advice.
- **Preliminary Assessment & Initial Findings Report (the 'Quick & Dirty' exercise):**
This brief review will allow us to give you a report with our findings and initial opinion on the strengths & weaknesses of your potential claim and our recommendations for future action.
For this, we will review key records and documents, have discussions with key personnel, carry out a brief analysis and prepare an 'Initial Findings' report.
This is a time-constrained exercise taking three to four days and our report will be with you within 10 days of your instructions to commence; and all for a guaranteed maximum fee cost.

Related Case Studies

Further Information & Contact

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