

Deloitte.



**Resolving disputes
in construction**

Groundwork for success

“At Deloitte, we understand what it means to our clients to resolve their high-value complex construction claims and provide independent, objective support and advice at all stages of the dispute resolution process.”

Triggers of construction disputes

Many construction companies experience difficulties delivering projects, resulting in cost overruns and unforeseen delays. Environmental issues, increased regulations, multi-layered contract structures and narrow scope for price variations all challenge major projects. Disputes can arise as follows:



Breach of investment agreements



Delays and variations of programme



Non-performance of obligations under the contract



Changes in scope of construction plan



Cost escalations



Early suspensions or termination of contract

How we can support you

Irrespective of the cause of dispute, our broad experience in the construction sector enables us to support you in the following areas:

1

Claims avoidance, negotiation, and settlement

Evaluation of potential for claims based on in-depth industry experience. Assessment of project's current budget and schedule status.

2

Delay and schedule analysis

Review, audit, and analysis of delays and project schedules using latest recognised industry standards and best practices.

3

Claims preparation and analysis

Preparation of construction claims resulting from delays, cost overruns, and lost labour productivity incurred on a project. Analysis of and rebuttal to claims received from opposing parties, including challenging opposing parties' logic, methodology, and position on issues claimed.

4

Quantification of losses and damages

Quantification of financial damages, lost profit and/or lost opportunities related to project delays using industry recognised standards and advanced analytics.

5

Litigation support and assistance

Provide assistance in the dispute resolution process, from initiation through to mediation, arbitration and litigation. Preparation of expert reports, as required by counsel and in the process of litigation.

6

Cost recovery

Identification and evaluation of sources of recovery of unsubstantiated costs through the sophisticated analysis of project costs data.

How we are different

To succeed in this environment we bring together dispute professionals, with relevant construction industry experience, who provide powerful financial analysis, convincing evidence and sophisticated tools.

Our team includes dedicated Disputes and International Arbitration specialists who act as experts and arbitrators and have testifying experience from court and arbitration matters conducted in many of the major dispute resolution centres including London, New York, Paris, Zurich, Stockholm, Dubai, Singapore, Hong Kong and Kuala Lumpur.



Experts accredited in
International Arbitration



Forensic
Accountants



Forensic Technology
Specialists



Chartered
Surveyors



Quantity
Surveyors



Financing
Specialists



Project
Managers



Asset Management
Surveyors



Chartered
Town Planners



Infrastructure
Advisors

Our experience

In our work, we are assisted by Deloitte Real Estate, Valuations and Infrastructure teams to provide insights into all aspects of construction, infrastructure and capital projects.

Residential development damages



Deloitte gave expert evidence in an arbitration involving the construction of a US\$300m residential development. The matter involved calculating the damages flowing from delays in the completion of the project.

Cost verification for airport site



Deloitte acted as an expert witness in an international arbitration involving the contractor and the employer on an airport project. Reviewed thousands of documents in relation to the claim for unpaid applications for payment. Gave oral testimony at the hearing in Paris.

PPP contractor dispute



Deloitte was retained to assist in the preparation of a claim against the owner of a project that consisted of a new purpose-built 285,800 sq ft university campus executed through a PPP delivery method. The design-build contractor encountered delays and damages as a result of continuing design scope changes by the owner. The claim document enabled the client to successfully reach a negotiated settlement with the owner, allowing the project to proceed.

Motorway project delay analysis



Deloitte was engaged by counsel for a city council to conduct an independent expert assessment of delays and loss of productivity incurred by the main contractor and subcontractor on a national motorway, for use in conciliation.

Termination losses



Deloitte acted as a damages expert appointed by an aircraft manufacturer under an ICC arbitration relating to the alleged losses resulting from the termination of a contract.



Talk to our experts

Our team of experienced professionals include:

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