

TITLE “CONSTRUCTION CLAIMS: How to Manage so Disputes are Completely Eliminated or Resolved Quickly”

22 IMPORTANT BENEFITS OF ATTENDING THIS PROGRAM

1. A powerful five-step program for construction project management that will prevent most disputes before they even arise.
2. The six primary causes of construction claims (and specific methods for dealing with each one).
3. Beginning at the beginning: How to make sure your contract documents are not setting you up for claims.
4. A checklist of essential project documents for project owners and constructors.
5. A strategy for resolving Differing Site Condition claims, including a case history.
6. A simple contract tool that resolves many conflicts by itself.
7. How to prepare your own construction claims and analyze the claims of others, including a comprehensive analysis checklist.
8. Specific ways to avoid claims resulting from inevitable job schedule changes.
9. Eight action principles to insuring leadership accountability and support “top-down and across” contract lines – resolving disputes and preventing claims.
10. Simple, effective methods for making an ongoing project record essential for resolving different types of disputes.
11. A 26-point checklist of specific areas of responsibility that must be assigned at the outset of the project, and how to keep team members focused and responsive.
12. How to draw up a job plan that will minimize the chances of dispute.
13. The seven key elements of the daily work progress report.
14. The primary principle of successful claims resolution.
15. Results of the latest DOT Inspector General’s audit of the effectiveness of Dispute Resolution Boards for transportation projects.
16. How to resolve claims over work interruption, including determining and apportioning liability fairly.
17. A precise methodology for computing and presenting construction dispute damages.
18. How to recognize the best course of action: negotiation, Dispute Resolution Board, site-based mediation, arbitration or litigation.
19. When a project is awash in claims, how to bring in an independent analysis team to “wipe the slate clean” in six weeks or less, and get the project back on track.
20. Fourteen steps to preparing for any hearing: DRBs, mediation or arbitration.
21. A specific tool to “forecast” upcoming opportunities and dangers, and head off problems before they impact project costs and schedule.
22. How to form a strong nucleus of project managers across contract lines (owner, designer & constructor) to resolve issues and disputes as they occur.

TITLE “CONSTRUCTION CLAIMS: How to Manage so Disputes are Completely Eliminated or Resolved Quickly”

THE PROGRAM AGENDA

1. The Six Chief Causes of Construction Disputes

An overview of why claims happen, what kinds are the most costly, and what you can do to head them off. The six primary causes of construction claims:

- Unclear or poorly drafted contracts
- Poorly coordinated contract drawings
- Changes in work scope
- Work interruptions
- Project acceleration
- Project delay.

2. A Five-Step Program for Managing a Trouble-Free Construction Project

Step 1: Contracts -- The Vital Starting Point

You will learn how to review contract documents prior to bid to ensure clarity, manageability, and constructability by performing a step-by-step contract analysis.

Step 2: Planning for a Trouble-Free Project

Ensuring effective allocation of limited resources, including time, money, equipment, material, and manpower. Important scheduling techniques, such as bar charts, the critical path method (CPM), and others, and when to use them. How to prepare a critical path schedule. Three criteria to ensure that a CPM schedule is a useful and functional tool. Determining who owns the "float" in the schedule.

Step 3: Tracing Work Progress to Minimize Problems

The five logs you must keep; the importance of a proper and complete daily log: how to set one up; seven key elements that must be included. Using CPM schedule analysis to evaluate requests and substantiate the need for time extensions. The three most important project tracking methods: daily reports, schedule updates, and RFI's. How to make sure they're done properly.

Step 4: Record Keeping – the Foundation of Your Dispute Prevention Program

Which accurate and consistent construction records are essential to managing the project and preventing disputes. Custom-designing a record-keeping system for your project, including a comprehensive checklist of documents and logs you can use on your projects. Use of Internet-Based Project Management Systems and how to make them cost- and time-savers. How to use the “other side’s” records to resolve disputes.

Step 5: Continuous, Early Resolution of Disputes

How to deal quickly and effectively with disputes as they arise. Why prompt notification is essential. How to put the other party on notice without provoking a

TITLE “CONSTRUCTION CLAIMS: How to Manage so Disputes are Completely Eliminated or Resolved Quickly”

negative response. Gathering the proper supporting documents. How to form a risk-assessment committee and pre-arrange a multi-option dispute resolution process.

3. Preparing and Analyzing a Construction Claim

A simple five-part claims winning format. Why preparing a “Request for Equitable Adjustment” is preferable to filing a claim. Using a computer-aided document retrieval system. How to use a comprehensive claims analysis checklist. Schedule analysis: how to apportion liability for delay among numerous parties; how to price delay/disruption claims. A how-to exercise in using simple but effective schedule analysis techniques. Why “Measured Mile” is the gold standard in loss of productivity claims.

4. Negotiating a Resolution to a Construction Claim

How to apply risk analysis to your decision making. How to present evidence most effectively when negotiating your claim, including graphics, overlays, photos, and models. The key elements of successful negotiation.

5. Alternative Resolutions for Construction Disputes

The pros and cons of mediation, Dispute Resolution Boards, on-site neutrals and arbitration. How to determine the best alternative in a given situation. Caveats to alternative dispute resolution. The key features of arbitration and litigation. How they differ; how they’re similar – who wins and who loses. Which to go for, and when. How to work productively with your attorney.

6. A new state-of-the-art toolset for creating a "high performance team"

Partnering has been around since 1989 when the Army Corps of Engineers first published a pamphlet on the process. In the last decade a cottage industry has been born as many projects have tried to utilize partnering hoping to foster good working relationships and keep the project on track, but OVER HALF THE TIME IT DOESN'T WORK. Learn why so many partnering programs fail and what needs to be done to really make it work. You will learn a powerful new partnering approach (called "Project Alignment") that has been proven effective in over five years of field testing in the most difficult of projects. Find out who REALLY needs to partner on a project, how to take the same resources often wasted in a one-day partnering session and spread them out over the initial weeks of the project to maintain focus, forecast dangers and opportunities, make management systems work more efficiently, create and maintain trust and respect across contract lines, promote healthy confrontation to resolve disputes and avoid claims, delegate authority and responsibility, and insure that top management stays informed, aware and confident in the field team. This is a powerful new toolset for executives and field managers to create a "high performance team".

TITLE “CONSTRUCTION CLAIMS: How to Manage so Disputes are Completely Eliminated or Resolved Quickly”

PAST PARTICIPANTS INCLUDE:

Arizona DOT, Balfour Beatty Rail, Boston Central Artery/Tunnel Project, Broward County (FL) Aviation Dept., California State University, Caltrans, Chicago Bridge & Iron Constructors, The cities of Charlotte, Clearwater, Columbus, Colorado Springs, Denver, Los Angeles, Pueblo and New York, Clark County (NV) Dept. of Aviation, Dallas-Ft. Worth Airport, Desoto County (FL), Dokken Engineering, Federal Aviation Administration (FAA), Granite Construction, Illinois State Toll Highway Authority, Jacksonville (FL) Transportation Authority, Kajima Engineering, Koch Performance Roads Inc., Loudoun County (VA), Maryland Port Administration, Massachusetts Turnpike Authority, Missouri DOT, M.K. Ferguson, MK Centennial Engineering, Monterey County (CA) Capital Projects Department, Morrison Knudsen, MTA Bridges and Tunnels, Port Authority of New York and New Jersey, New York City Transit, New York City DOT, Ohio DOT, Ontario County (NY) Highway Dept., Orange County (FL) Public Works Dept., Parsons Brinckerhoff, Pasco County Government, Pavex Construction, PCL Constructors, Penhall Company, Pennsylvania Turnpike Commission, Pennsylvania DOT, Perini Corporation, Santa Clara County Roads & Airports Department, Sedgwick County (KS) Public Works, J.F. Shea Construction, Sverdrup Civil, Texas DOT, Turner Construction, US Air Force, US DOT – Federal Highway Administration, Utah Transit Authority, Washington County (MD) Dept. of Public Works, Weeks Marine, Wisconsin DOT, Wyoming DOT

TITLE “CONSTRUCTION CLAIMS: How to Manage so Disputes are Completely Eliminated or Resolved Quickly”

22 IMPORTANT BENEFITS OF ATTENDING THIS PROGRAM

23. A powerful five-step program for construction project management that will prevent most disputes before they even arise.
24. The six primary causes of construction claims (and specific methods for dealing with each one).
25. Beginning at the beginning: How to make sure your contract documents are not setting you up for claims.
26. A checklist of essential project documents for project owners and constructors.
27. A strategy for resolving Differing Site Condition claims, including a case history.
28. A simple contract tool that resolves many conflicts by itself.
29. How to prepare your own construction claims and analyze the claims of others, including a comprehensive analysis checklist.
30. Specific ways to avoid claims resulting from inevitable job schedule changes.
31. Eight action principles to insuring leadership accountability and support “top-down and across” contract lines – resolving disputes and preventing claims.
32. Simple, effective methods for making an ongoing project record essential for resolving different types of disputes.
33. A 26-point checklist of specific areas of responsibility that must be assigned at the outset of the project, and how to keep team members focused and responsive.
34. How to draw up a job plan that will minimize the chances of dispute.
35. The seven key elements of the daily work progress report.
36. The primary principle of successful claims resolution.
37. Results of the latest DOT Inspector General’s audit of the effectiveness of Dispute Resolution Boards for transportation projects.
38. How to resolve claims over work interruption, including determining and apportioning liability fairly.
39. A precise methodology for computing and presenting construction dispute damages.

TITLE “CONSTRUCTION CLAIMS: How to Manage so Disputes are Completely Eliminated or Resolved Quickly”

40. How to recognize the best course of action: negotiation, Dispute Resolution Board, site-based mediation, arbitration or litigation.
41. When a project is awash in claims, how to bring in an independent analysis team to “wipe the slate clean” in six weeks or less, and get the project back on track.
42. Fourteen steps to preparing for any hearing: DRBs, mediation or arbitration.
43. A specific tool to “forecast” upcoming opportunities and dangers, and head off problems before they impact project costs and schedule.
44. How to form a strong nucleus of project managers across contract lines (owner, designer & constructor) to resolve issues and disputes as they occur.

TITLE “CONSTRUCTION CLAIMS: How to Manage so Disputes are Completely Eliminated or Resolved Quickly”

THE PROGRAM AGENDA

[exactly the same except as noted below]

2. A Five-Step Program for Managing a Trouble-Free Construction Project

Step 4: Record Keeping – the Foundation of Your Dispute Prevention Program

Which accurate and consistent construction records are essential to managing the project and preventing disputes. Custom-designing a record-keeping system for your project, including a comprehensive checklist of documents and logs you can use on your projects. Use of Internet-Based Project Management Systems and how to make them cost- and time-savers. How to use the “other side’s” records to resolve disputes.

Step 5: Continuous, Early Resolution of Disputes

How to deal quickly and effectively with disputes as they arise. Why prompt notification is essential. How to put the other party on notice without provoking a negative response. Gathering the proper supporting documents. How to form a risk-assessment committee and pre-arrange a multi-option dispute resolution process.

3. Preparing and Analyzing a Construction Claim

A simple five-part claims winning format. Why preparing a “Request for Equitable Adjustment” is preferable to filing a claim. Using a computer-aided document retrieval system. How to use a comprehensive claims analysis checklist. Schedule analysis: how to apportion liability for delay among numerous parties; how to price delay/disruption claims. A how-to exercise in using simple but effective schedule analysis techniques. Why “Measured Mile” is the gold standard in loss of productivity claims.

5. Alternative Resolutions for Construction Disputes

The pros and cons of mediation, Dispute Resolution Boards, on-site neutrals and arbitration. How to determine the best alternative in a given situation. Caveats to alternative dispute resolution. The key features of arbitration and litigation. How they differ; how they’re similar – who wins and who loses. Which to go for, and when. How to work productively with your attorney.

6. A new state-of-the-art toolset for creating a "high performance team"

Partnering has been around since 1989 when the Army Corps of Engineers first published a pamphlet on the process. In the last decade a cottage industry has been born as many projects have tried to utilize partnering hoping to foster good working relationships and keep the project on track, but OVER HALF THE TIME IT DOESN'T WORK. Learn why so many partnering programs fail and what needs to be done to really make it work. You will learn a powerful new partnering approach (called "Project Alignment") that has been proven effective in over five years of field testing in the most difficult of projects. Find out who REALLY needs to partner on a project, how to take the same resources often wasted in a one-day partnering session and spread them out over the initial weeks of the project to

TITLE “CONSTRUCTION CLAIMS: How to Manage so Disputes are Completely Eliminated or Resolved Quickly”

maintain focus, forecast dangers and opportunities, make management systems work more efficiently, create and maintain trust and respect across contract lines, promote healthy confrontation to resolve disputes and avoid claims, delegate authority and responsibility, and insure that top management stays informed, aware and confident in the field team. This is a powerful new toolset for executives and field managers to create a "high performance team".

TITLE “CONSTRUCTION CLAIMS: How to Manage so Disputes are Completely Eliminated or Resolved Quickly”

ABOUT YOUR SEMINAR LEADER

Dan Fauchier is a construction project manager, college teacher, mediator, arbitrator (deciding dozens of cases for the California Contractors State License Board), partnering/project alignment facilitator and construction management expert with twenty years experience in direct, hands-on management of construction projects from \$250,000 to \$18,000,000 (on projects as large as \$140,000,000), and forensics consulting for nearly a Billion Dollars in projects nationwide. Experienced in commercial, residential and public construction, on nearly one hundred projects, he has served as either the general contractor, a subcontractor, the project manager for the general or subcontractor, the design team leader or the owner's construction manager.

In the past decade Dan has taught Construction Management and Planning & Scheduling for the Engineering extension of the University of California, San Diego (UCSD) and for the Defense Conversion Foundation at San Diego State University (SDSU) and has served a number of national firms including Saddle Island Institute, La Jolla Center for Dispute Resolution, ArbitrationWorks, Power Summit, SDC & Associates and Pinnacle Automation as an instructor, construction claims analyst, time extension analyst, graphics mentor, CPM scheduler, trainer, construction manager and expert witness. In the last five years Dan has taught over 100 public seminars on Construction Claims, bringing, proven state-of-the-art techniques to thousands of professionals in hundreds of organizations, both public and private.

Mr. Fauchier also works closely with the Engineering & General Contractors Association (EGCA) in San Diego, California, as their professional liaison to local and regional public agencies including Caltrans, striving to enhance the rapport between the private and public sectors and to make government projects work more efficiently for the public's benefit. He works with the Associated General Contractors (where he served three terms as Education Committee Chair); American Subcontractors Association (local training and the National Owner Liaison Committee); Latino Builders, Black Contractors Association and Women Construction Owners & Executives (industry coalition partners). He is a member of the Forensics Consultants Association of San Diego, the California Dispute Resolution Council and the American Bar Association (ABA) Construction Industry Forum.

TITLE “CONSTRUCTION CLAIMS: How to Manage so Disputes are Completely Eliminated or Resolved Quickly”

WHAT OTHERS HAVE SAID ABOUT DAN FAUCHIER’S SEMINARS

[I found these comments from DOT-related firms in 2003 seminars plus 2 comments from the current brochure. I’m mailing copies of their evals. Suggest you choose from these.]

“The program was more than expected. Very satisfied.” -- John McInerney, Division Engineer, Massachusetts Turnpike Authority

“Outstanding. The information is right on the money.” -- Michael Hurley, Senior Construction Inspector, County of Santa Clara (CA), Roads & Airports Dept.

“Excellent mix of content, stories, and audience participation.” -- Paul Wheeler, President, Koch Performance Roads, Inc.

“As an owner’s representative this seminar will help me better understand how to reduce the number of claims on a project and their cost.” – Ken Newman, Supervisor, Texas DOT

“Intelligent fusion of multi-faceted topics. Practical sense-permeating abstract ideas/ideals.” -- Ted Vander Els, Manager of Construction Support, Boston Central Artery/Tunnel Project

“The instructor was actually experienced in construction claims.” – Dave Young, Business/Systems Analyst, Wyoming Dept. of Transportation

“Lots of information without being boring.” -- Subhas K. Bose, Acting Manager of Construction, Illinois State Toll Highway Authority

“Very dynamic speaker, thorough and knowledgeable.” -- Pablo Vasquez, Project Manager, Parsons Brinckerhoff

“Good pace, excellent layout of materials with good use of interactive ‘war stories’ which brought out the relevant points of the seminar.” – John A. Cissell, Project Manager, Turner Construction

“All information presented was immediately relevant to my workplace.” -- James Scroggs, Senior Project Manager, Pacific Program Management, Inc.

“Practical ideas that can be applied in real situations.” – Linda Butson, Capital Projects Director, County of Monterey (CA)

“Excellent seminar! I especially enjoyed the discussions on DAM partnering, dispute resolution, and computer scheduling software.” – Jim Hastings, Senior Engineer, Montgomery County (OH) Engineer’s Office

TITLE “CONSTRUCTION CLAIMS: How to Manage so Disputes are Completely Eliminated or Resolved Quickly”

“Dan’s presentation was very engaging. Real life experiences contribute a lot of clarity...reference materials are excellent. Dan understands the material he’s teaching.” – David Hafner, Contracts Manager, Weeks Marine, Inc.

“Good content, interesting, captivating.” – William Lee, Project Engineer, County of Santa Clara (CA), Roads & Airports Dept.

“Dan was very knowledgeable; great examples and presentation!” – Timothy G. McElligott, Civil Engineer, Ontario County (NY)

“I was able to use the information provided and directly relate it to past and current projects in my industry.” -- Andra Gentry, Project Manager, JTL Group, Inc.

“Extremely good speaker with a lot of good material.” -- Vicki Narciso, Project Engineer, Pavex Construction