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Quantity Surveying

Cost Management

Cost Planning

Change Management

Estimating

Procurement

Dispute resolution

Audit

Project and Programme Controls

Planning

Building information modelling - BIM

Other services

Ivan and his team have accrued considerable experience over the years and can clearly demonstrate competency and capability in all of the above areas of our service offering.

We would be happy to discuss with you how we can assist you within any or all of the above areas.

Ivan Hurst Consulting

Competency Statement – Dispute resolution

Preparation of claims strategy

Capabilities

Quantity Surveying

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Other services



Achieving excellence

Bespoke dispute resolution for you

Connecting your requirements to the solutions you need



Ivan has a particular aptitude for working with dispute resolution. His logical mind fits well with the structured approach of dispute resolution. Ivan also has an enhanced lateral thinking tendency.

During Ivan's career he has taken a number of work related psychometric tests. According to Belbin Team roles, Ivan is equally strong as a 'Plant' and a 'Completer Finisher'. This is a good combination for dispute resolution.

The 'Completer Finisher' element favours data collation and analysis. The 'Completer Finisher' has a strong inward sense of the need for accuracy, and sets his own high standards rather than working on the encouragement of others. Conversely, Plants are creative, unorthodox and generators of ideas. Given a problem, they are innovative solution providers, able to see a strategy or negotiate a deal.

Dispute resolution

- Contract interpretation
- Preparation of dispute or claims strategy
- Preparation of Claims
- Review and defence of Claims
- Evaluation of Claims and Extension of Time requests
- Negotiation and agreement of disputes

Experience

Ivan has been involved in dispute resolution since before Microsoft devised 'Windows'. In the early '80's Ivan worked on claim preparation on the Ipswich bypasses. Following the success of the Ipswich jobs Ivan was the Claims Surveyor for the £34.8m (c £80m 2012) nine-mile (14 km) Chelmsford bypass which opened in November 1986. In 1990, the company received a welcome Christmas present; a £400m on account claims payment. Working for a company so experienced in claims has given Ivan a thorough grounding in preparation and strategy for successful and lucrative claims. Since then Ivan has periodically been involved in claims of various types.



Approach

An essential part of Ivan's approach to constructing a claims strategy is to understand the stakeholders and the potential issues. Different forms of contract have different opportunities. Claims strategies can be either to maximize or minimize the associated value or time. However, the most mutually beneficial projects tend to be those without claims. This can be achieved by adopting a collaborative approach between the parties and supply chain, dealing with issues as they arise, in the best interest of the Project. Avoidance is the best form of dispute resolution.

Ivan's experience suggests that whatever the strategy, it is essential to set up a system of collecting good contemporary records, either for defence or offence. Then apply rigorous cause and effect analysis.

flexible solutions for your business needs

Claims strategies to improve your bottom line

Another example of Ivan's development of claims strategies bespoke to the circumstances was in respect of a new employer, on a Project that had been going for some time.

Using Ivan's normal approach of finding out about the stakeholders and the current issues, he decided that a traditional claims preparation route would be unlikely to resolve the project's financial difficulties.

Site records were poor and few. There were lots of changes but very little evident cause and effect, with significant interrelationships.

Ivan adopted a strategy of changing the contractual terms to cost plus instead of lump sum, fixed price. (£21.3m 1993, c£30m 2012).

Ivan created a database recording all correspondence, and treated most as some form of change. The database was structured to automatically draft letters to the Resident Engineer, which just needed a quick review and signature.

Within six months the RE was overwhelmed by the amount of information he was being bombarded by and was persuaded that he would have to pay a very large sum in respect of a potential 'global claim' under preparation. Following some negotiation, the contract was amended by the parties to be Cost Plus.

The change in terms gave a safe return to the contractor, which, in all probability, exceeded his potential to recover his losses using claims alone, due, in the most part, to his lack of adequate contemporaneous records.

Another success, on a different site, resulted in the Clients Resident Engineer being sidelined in the Final Account negotiations. All further negotiations and payments were carried out directly with the Employer. A significant dispute here was to do with the interpretation of the Standard form Method of Measurement, (CESMM) which has subsequently been changed. There were also claims in respect of earthworks and a suspension of the works.

Whilst these examples are all on the offence, knowing how the offence works aids the preparation of defense.

Examples

The company was invited to tender for a large highways job. The client had specified the use of Artemis planning software, so Ivan and the planner allocated to the job, if won, were both formally trained in Artemis. The client and the particular Resident Engineer were known to be difficult. Accordingly, Ivan devised a strategy that would protect the company should the expected happen. The contract documentation was thoroughly reviewed and potential difficulties identified. A very detailed method statement was created with special emphasis on the identified issues. This resulted in a 24 page document at a time when 2 pages were considered the maximum. Ivan had to convince the Board that if the Client used the Method statement correctly, we would not have any claims, as the pitfalls would be avoided. However, the Project would proceed well, finish early and provide a profit. Conversely, if the Client did not avoid the pitfalls, the subsequent claims would be much easier to demonstrate entitlement.

Similarly, the programme was crafted using multiple 'what if' iterations to make it just sub-critical through all of the previously identified issues. The published critical path avoided the majority of the known issues. It should be noted that the contract was an entitlement contract, not need.

The company won the project. The hard copy programme stretched all the way around the largest meeting room of the site office. The client failed to comment on the programme within the time allowed in the contract, therefore it became accepted.

A few months into the contract, a service diversion overran by half a day. The EOT this generated was approximately 9 months. Ivan was the Senior Claims QS for the Project and prepared and presented the claim as anticipated by the strategy. Other claims were similarly successful, as was the Project as a whole.

The Project was set up, right from the start, for the production of claims, with lots of Qs to check and use the mountains of contemporary records.

Poacher turned gamekeeper