

**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:

**Deirdre Carwood**

**Partner**

**Forensic**

+353 1 417 2901

dcarwood@deloitte.ie

**Chris Clements**

**Partner**

**Forensic (UK)**

+44 20 7303 6145

cclements@deloitte.co.uk

**Vincent Sorohan**

**Director**

**Real Estate Advisory**

+353 1 417 8849

vsorohan@deloitte.ie

# Deloitte.

At Deloitte, we make an impact that matters for our clients, our people, our profession, and in the wider society by delivering the solutions and insights they need to address their most complex business challenges. As the largest global professional services and consulting network, with over 312,000 professionals in more than 150 countries, we bring world-class capabilities and high-quality services to our clients. In Ireland, Deloitte has over 3,000 people providing audit, tax, consulting, and corporate finance services to public and private clients spanning multiple industries. Our people have the leadership capabilities, experience and insight to collaborate with clients so they can move forward with confidence.

This publication has been written in general terms and we recommend that you obtain professional advice before acting or refraining from action on any of the contents of this publication. Deloitte Ireland LLP accepts no liability for any loss occasioned to any person acting or refraining from action as a result of any material in this publication.

Deloitte Ireland LLP is a limited liability partnership registered in Northern Ireland with registered number NC1499 and its registered office at 19 Bedford Street, Belfast BT2 7EJ, Northern Ireland.

Deloitte Ireland LLP is the Ireland affiliate of Deloitte NSE LLP, a member firm of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee ("DTTL"). DTTL and each of its member firms are legally separate and independent entities. DTTL and Deloitte NSE LLP do not provide services to clients. Please see [www.deloitte.com/about](http://www.deloitte.com/about) to learn more about our global network of member firms.

© 2020 Deloitte Ireland LLP. All rights reserved.



**MAKING AN  
IMPACT THAT  
MATTERS**

*since 1845*